

LEGISLATIVE CLAIM BILL MANUAL

POLICIES, PROCEDURES, AND
INFORMATION CONCERNING
INTRODUCTION AND PASSAGE



THE FLORIDA SENATE
OFFICE OF THE PRESIDENT



THE FLORIDA HOUSE OF
REPRESENTATIVES
CIVIL JUSTICE & COURTS POLICY
COMMITTEE

Revised for 2009-2010

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INTRODUCTION

The claim bill process is unique and often thought to be complex and confusing. This manual is designed to assist in navigating through the claim process.

House and Senate staff are available to answer questions about the claim bill process. House staff of the Civil Justice & Courts Policy Committee can be reached at (850) 410-4922; Senate General Counsel staff can be reached at (850) 487-5237.

Suggested Procedures for Legislators

- ✓ Advise the claimant or the attorney of the sequence of events in the filing of a claim bill.
- ✓ All Senate claim bills, whether companions or those filed only in the Senate, must be filed by August 1 in order to be considered by the Senate in the following regular session.
- ✓ A House claim bill that does not have a Senate companion bill timely filed in the Senate will not be considered by the Senate.
- ✓ Make sure that the claim is ready to be heard by the Special Master when the Special Master schedules the hearing.
- ✓ Check with the staff of either chamber to determine whether the claim has been filed in a prior year, and if so, obtain a copy of any available previous report.
- ✓ Ask the claimant or attorney to provide you with an information packet containing the major documentation and a summary of the highlights of the claim. Submit the information to the bill drafting office for preparation of the claim bill.
- ✓ Each chamber will have its own Special Master assigned to review and report on specific claim bills; however, to minimize travel and to avoid unnecessary repetition, the Special Masters usually hold joint hearings. You are invited to attend the Special Masters' hearing, if you care to; however, attendance by the bill's sponsor is not required.
- ✓ Follow the bill through the regular committee process once the Special Master's report is published. Generally, the Special Master will be available to present his or her report to the committees of reference, but each bill's sponsor should also be present and available to answer questions from committee members.

I. FLORIDA STATUTES AND RULES RELEVANT TO CLAIM BILLS

A. What is Sovereign Immunity?

Sovereign immunity is a doctrine that prohibits suits against the government without the government's consent. The Florida Constitution addresses sovereign immunity in *Article X, Section 13*. This provision allows the state to waive its immunity through an enactment of general law. Sovereign immunity extends to all subdivisions of the state, including counties, municipalities, local constitutional officers, and school boards.

In 1973, the Florida Legislature enacted *section 768.28, F.S.* This section allows individuals to sue the state government, subdivisions of the state, counties, municipalities and political subdivisions under circumstances where a private person "would be liable to the claimant, in accordance with the general laws of the state"

B. Are there Monetary Limits on Recovery?

Section 768.28(5), F.S., imposes a \$100,000 limit per person, and a \$200,000 limit per incident, on the collectability of any tort judgment based on the government's liability. These limits do not preclude plaintiffs from obtaining judgments in excess of the statutory cap; however, plaintiffs cannot force the government to pay damages that exceed the recovery cap. *Section 11.066, F.S.*, requires a claimant to petition the Legislature in accordance with its rules, to seek an appropriation to pay a judgment against the state or state agency.

C. What is a Claim Bill?

A claim bill, sometimes called a relief act, is a bill that compensates a particular individual or entity for injuries or losses occasioned by the negligence or error of a public officer or agency. It is a means by which an injured party may recover damages even though the public officer or agency involved may be immune from suit. Majority approval in both chambers of the Legislature is required for passage.

D. Can a Claimant Collect in Excess of the \$100,000/\$200,000 Limit Without Filing a Claim Bill?

Section 768.28(5), F.S., provides that the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to pay a claim made or an excess judgment rendered against it without further action by the Legislature.

E. Is there a Statute of Limitations?

Pursuant to *section 11.065, F.S.*, no claims against the state shall be presented to the Legislature more than 4 years after the cause for relief accrued. Any claim presented after this time of limitation shall be void and unenforceable. Further, all relief acts of the Legislature shall be for payment in full. No further claims for relief may be submitted to the Legislature in the future.

F. What are the Filing Deadlines?

Rule 4.81 of the Rules of the Florida Senate requires that all claim bills be filed with the Secretary of the Senate on or before August 1 to be considered by the Senate during the next regular session. Newly elected Senators have 60 days from the date of election to file a claim bill. *Rule 5.2 of the Rules of the House of Representatives* requires that general and local bills be filed with the House Clerk by noon of the first day of the regular session.

G. Is there a Limit on the Number of Bills a Member Can File?

Rule 5.3 of the Rules of the House of Representatives prohibits members from filing more than six bills for a regular session. *Rule 5.3(b)(1) of the Rules of the House of Representatives* provides that *local* claim bills do not count toward a member's six bills. There is no corresponding limit in the Senate. Senate Rule 4.81(2) prohibits consideration of a claim bill that lacks a House companion.

H. General or Local?

A general law is an act intended to have statewide application. For claim bill purposes, if the respondent of the claim is a state agency, which situation would require an appropriation from the state's general revenue or from an executive agency's budget, then the claim is a general bill.

A local or special law is any legislative act that: 1) applies to an area or entity that is less than the total area or population of the state; and 2) contains subject matter that entitles those to whom it is applicable to the publication or referendum required by *Section 10 of Article III of the State Constitution*. Generally, if the respondent is a county, municipality, school board, district, local constitutional officer, or other subdivision of the state, then the claim is a local bill.

Section 10 of Article III of the State Constitution prohibits special laws unless notice of intention to seek enactment thereof has been published in the manner provided by general law.

Sections 11.02, 11.021, and 11.03, F.S., provide the requirements for publication of the required notice. The notice must contain the name of the claimant, the nature of the injury or loss, and the amount of the claim.

Rule 5.5(c) of the Rules of the House of Representatives requires that all local claim bills be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page. Similarly, *Rule 3.3 of the Rules of the Senate* requires that all local bills be accompanied by an affidavit of proper advertisement. The form may be obtained from the Secretary of the Senate. Furthermore, the Senate requires that all local bills requiring publication have proof of publication securely attached to the original copy of the bill, when introduced, and the words "Proof of Publication Attached" clearly typed or stamped on the Senate side of the bill jacket.

I. How does the Special Master Process Work?

Once a claim bill is filed, the presiding officer of each house of the Legislature may refer the bill to a Special Master, as well as to one or more committees, for review. The Special Masters of each house conduct a joint hearing to determine liability, proximate cause, and damages. *Rule 4.81(3) of the Rules of the Senate* requires those hearings to be conducted pursuant to reasonable notice, with discovery governed by the *Florida Rules of Civil Procedure* and the *Florida Evidence Code*, as applicable. The Special Master will administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. Special Masters are not bound by stipulations entered into by the parties; further, once filed, claim bills are subject to the amendatory process of each house as provided by rule. Though not bound by the Senate Rule, House Special Masters generally follow the same process; however, a House Special Master may file a summary report regarding settled claims. The House must have a settlement agreement signed by all parties before the claim is considered “settled.”

J. Must All Alternative Remedies be Exhausted?

House Rule 5.6(c) and Senate Rule 4.81(6) provide that the Legislature will not process a contested claim bill until the claimant has exhausted all available administrative and judicial remedies. However, both bodies may consider a bill in which the parties have executed a written settlement agreement. Under Senate Rule 4.81(6), this policy does not apply to a bill addressing a claim based on wrongful incarceration.

K. Are there any Limitations or Restrictions on Fees?

Section 768.28(8), F.S., provides that no attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement. The Florida Supreme Court has held that the Legislature has the authority to limit attorney’s fees in a claim bill, despite the fact that an attorney had contracted for a higher amount. *Gamble v. Wells*, 450 So.2d 850 (Fla. 1984).

Furthermore, the Florida Supreme Court has determined that the statutory 25 percent limitation on attorney’s fees applies to all situations involving waiver of sovereign immunity, whether it be the underlying \$100,000/\$200,000; or the excess part awarded by the claim bill; or the result of a settlement and voluntary payment in any amount made by a governmental respondent or by its insurance carriers. *Ingraham v. Dade County School Board*, 450 So.2d 847 (Fla. 1984).

Fees contingent upon the outcome of any specific legislative action are generally prohibited by *section 11.04(2)7, F.S.*, except in the case of claim bills. Further, it is considered a conflict of interest for a legislator to file a claim bill if that member, or the member’s law partner, would receive a fee for services. See Committee on Ethics, *House Opinion 69-009 and 71-016* in the Appendix of this Manual.

II. OTHER ISSUES IN DRAFTING A CLAIM BILL

A. Distinctions Between General and Local Claim Bills

There are two important characteristics that distinguish a local claim bill from a general claim bill: the “relating to” clause in the title of the bill and the appropriation sections that follow the enacting clause.

The “relating to” clause in the title of a local claim bill should always cite the name of the county or the local governmental entity from which money is being sought. In other words, the “relating to” clause of a local relief act – for example, “An act relating to Seminole County”; “An act relating to the Palm Beach County Sheriff’s Department”; “An act relating to West Volusia Hospital District” – always indicates that the bill is local in nature.

The “relating to” clause for a general claim bill should always be styled as “An act for the relief of John Smith and Mary Smith” (naming the claimant or claimants seeking relief under the act).

B. Payment of Statutory Limits of Liability

One of the most common omissions in the submission of proposed claim bills is an indication of whether the governmental entity from whom relief is sought has paid the claimant or claimants the requisite amounts due under *section 768.28, F.S.*, Florida’s sovereign immunity statute, which sets the limits of liability of the state and its political subdivisions. To avoid confusion, a clause stating whether the respondent has already paid the underlying amount should be included at or near the end of the “WHEREAS” clauses, followed by a statement of the remaining amount of the claim.

C. Apportionment of Claim Among Multiple Claimants

Another omission that sometimes occurs in the submission of proposed claim bills is the apportionment of the amount of a claim when there are multiple claimants. The Legislature requires specification of the exact amount each claimant is to receive.

Claim bills with multiple claimants may require a separate appropriation section for each claimant, and are usually apportioned in direct proportion to the jury award or settlement amounts.

D. Medicaid Reimbursement Provisions

Where Medicaid reimbursement is owed, use the following language:

Section __. The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to the claimant. The amount due the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this bill becomes a law.

Should this language be the subject of an amendment to a claim bill, an accompanying title provision is needed. “Providing for repayment of Medicaid liens” would be a sufficient title proviso for such a section.

E. Award of Claims to Minors and Incompetents—Establishment of Trust or Guardianship

An essential piece of information is whether the claimant is currently a ward, and whether the claimant was a ward at the time of the incident which gave rise to the cause of action upon which the claim is based. If the claimant is a ward and will be a ward at the time of the prospective passage of the claim bill, it is essential to disclose whether a trust or guardianship estate has been established for the ward.

F. Effective Dates

The following are guidelines for effective dates of claim bills:

1. If the Legislature intends funds for payment of a claim to be appropriated from the current fiscal year’s budget, use an effective date of no later than June 30.
2. If the Legislature intends funds for payment of a claim to be appropriated from the upcoming fiscal year’s budget, an effective date later than July 15 should be used.

III.

SAMPLE FUNDING

SOURCE

LOCAL GOVERNMENT DEFENDANT

(city, county, sheriff, school board, special districts)

The (identify the city, county, sheriff, school board, or special district) is authorized and directed to appropriate from funds not otherwise appropriated, and to draw a warrant payable to _____ for the total amount of \$_____ for injuries and damages sustained due to _____ on _____ (claimant).

STATE AGENCY DEFENDANT

General Revenue Source

There is appropriated from the General Revenue Fund to the Department of _____ the sum of \$_____ for the relief of _____ for injuries and damages sustained.

The Chief Financial Officer is directed to draw a warrant in favor of _____ in the sum of \$_____ upon the funds of the Department of _____ in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury.

Trust Fund Source

There is appropriated from the _____ Trust Fund to the Department of _____ the sum of \$_____ for the relief of _____ for injuries and damages sustained.

The Chief Financial Officer is directed to draw a warrant in favor of _____ in the sum of \$_____ upon the funds of the _____ Trust Fund within the Department of _____ in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury.

Chapter 216 Transfer

(Requires Legislative Budget Commission approval for any General Revenue transfer and for any Trust Fund transfer over \$1 million.)

Pursuant to the provisions of section 216.292, Florida Statutes, the Department of _____ shall request transfer of existing spending authority in the amount of \$_____ from existing operating categories of the Department of _____ to a new category titled "Relief: _____" in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury.

The Chief Financial Officer is directed to draw a warrant in favor of _____ in the sum of \$_____ upon the funds of the _____ Trust Fund within the Department of _____ within the category titled "Relief: _____" in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury.

LANGUAGE

RESTRICTIONS ON PAYMENT

DISTRIBUTION TO GUARDIAN*

Payment to the guardian of the claimant, including a reversion to the source of payment upon the death of the claimant. (This language should be used if the claimant is a minor or is incompetent. It is intended to protect payments to claimants who are otherwise unable to protect their own interests).

“... payable to {guardian of claimant} as legal guardian of {claimant}, to be placed in the guardianship account of {claimant}, to compensate him/her for injuries and damages sustained as a result of the negligence of {respondent}. Upon the death of {claimant}, any balance of the \${amount} remaining in the guardianship account shall revert to the {payor}. It is the intent of the Legislature that no funds exceeding {\$ amount} appropriated herein subsequently be spent, or any obligation thereof incurred by the guardian, without prior order of the circuit court.”

STRUCTURED PAYMENT—DIRECT*

Payment through a structured payout. (This language is typically used when the parties have agreed to a settlement requiring payment over a period of years while ensuring compensation to the claimant for a period of years.)

“...upon passage of this bill, the {payor} shall pay {claimant} {\$ amount}. One year from the first payment, the {payor} shall pay {claimant} {\$ amount}; and one year from the second payment, the {payor} shall pay {claimant} {\$ amount}, for a total of {total amount}.”

STRUCTURED PAYMENT—BY ANNUITY*

Payment through an annuity plan purchased by the claimant, including a reversion to the source of payment upon the death of the claimant. (This language is typically used when the claimant has suffered serious or permanent injuries and is likely to require substantial or long-term medical care. It is often used in conjunction with a special needs trust and/or payment to a guardian.)

“...payable to the {guardian of claimant} to be placed in a Special Needs Trust created for the exclusive use and benefit of {claimant}. After payment of statutory attorney's fees and costs, the balance shall be used to purchase an appropriate structured financial plan, the proceeds of which shall be deposited into a Special Needs Trust created for the exclusive use and benefit of {claimant}. It is the further intent of the Legislature that upon {claimant's} death, any funds remaining in the Special Needs Trust after payment of any outstanding Medicaid funds shall revert to the {payor}.”

SPECIAL NEEDS TRUST*

Payment to a special needs trust, including a reversion to the source of payment upon the death of the claimant. (This language can be used in conjunction with payment to a guardian, and ensures that the award will adequately compensate the claimant's future needs over a period of years while protecting the claimant's eligibility for Medicaid services.)

“... payable to {guardian of claimant}, parents and legal guardians of {claimant}, to be placed in the Special Needs Trust created for the exclusive use and benefit of {claimant}, a minor, to compensate {claimant} for injuries and damages sustained. Upon the death of {claimant}, the Trust balance shall revert to the {payor}.”

*Add Medicaid reimbursement provision from bottom of page 5, if applicable.

APPENDICES

IV. APPENDICES

A. Annual Summary of All Claim Bill Activity in the Florida Legislature Since 1955

Year of Session	Total Number of Claims Filed	Total Dollar Amount Claimed	Total Number of Claims that Became Law	Total Dollar Amount Paid	Percentage of Claim Bills Filed that Became Law	Percentage of Dollars Asked for Which Was Paid
1955	91	\$ 480,254	47	\$ 233,750	52%	49%
1957	68	NVAL	35	NVAL	51%	NVAL
1959	52	198,126	18	75,929	37%	38%
1961	51	345,180	25	83,354	49%	24%
1963	83	853,783	37	64,666	45%	8%
1965	79	927,121	31	193,129	39%	21%
1967	61	1,165,625	30	158,882	49%	14%
1969	119	2,324,588	41	434,275	34%	19%
1970	66	2,841,146	22	488,915	33%	17%
1971	59	2,349,172	16	227,737	27%	10%
1972	57	2,561,080	12	137,911	21%	5%
1973	65	5,318,182	21	108,943	32%	2%
1974	81	8,618,071	27	1,727,334	33%	20%
1975	92	15,941,051	14	174,754	15%	1%
1976	98	14,456,652	23	356,419	23%	2%
1977	60	20,654,799	18	303,480	30%	1%
1978	48	25,071,359	9	347,089	19%	1%
1979	34	19,317,752	3	495,000	9%	2%
1980	35	10,545,417	14	1,303,124	40%	12%
1981	30	10,116,639	9	1,330,420	30%	13%
1982	29	6,728,843	4	67,441	14%	1%
1983	25	6,982,372	8	1,373,509	32%	20%
1984	30	21,344,591	11	6,937,943	37%	33%
1985	27	7,014,757	7	776,931	26%	11%
1986	26	34,595,614	11	2,149,544	44%	6%

Year of Session	Total Number of Claims Filed	Total Dollar Amount Claimed	Total Number of Claims that Became Law	Total Dollar Amount Paid	Percentage of Claim Bills Filed that Became Law	Percentage of Dollars Asked for Which Was Paid
1987	24	15,811,117	8	4,394,904	33%	28%
1988	27	13,895,845	19	5,077,521	70%	37%
1989	25	26,443,994	7	3,933,600	28%	15%
1990	27	15,907,574	10	7,838,013	37%	49%
1991	27	24,812,666	17	12,017,251	63%	48%
1992	21	12,352,300	8	3,930,606	38%	32%
1993	24	26,534,354	11	3,835,837	46%	14%
1994	29	35,051,753	12	10,436,870	41%	30%
1995	28	30,489,004	21	19,267,194	75%	63%
1996	25	53,166,262	19	45,661,085	76%	86%
1997 ¹	17	26,736,694	0	0	0%	0%
1998	33	53,018,374	26	28,640,492	78%	54%
1999	27	27,409,526	12	12,609,783	44%	46%
2000	19	49,287,718	10	17,077,500	52%	35%
2001	43	82,585,784	2	5,555,347	4%	6%
2002	40	70,087,109	24	35,544,884	60%	50%
2003	31	41,177,709	12	5,088,410	39%	12%
2004	24	48,451,050	6	9,444,937	25%	19%
2005	21	29,430,496	1	2,000,000	5%	7%
2006	27	33,296,481	0	0	0%	0%
2007	35	47,210,529	13	23,667,881	37%	50%
2008	31	97,660,955	11	18,500,825	35%	19%

¹ The Florida Senate President declared a moratorium on the processing of all claim bills during the 1997 session.

B. Example of a Local Claim Bill

ENROLLED

2007 Legislature

CS for SB 76, 1st Engrossed

1

2 An act for the relief of Claude Tunc, Martine
3 Tunc, and Sandrine Tunc by the City of Miami
4 Beach; providing for the relief of Claude Tunc
5 and Martine Tunc, individually and as
6 co-personal representatives of the estate of
7 Stephanie Tunc, deceased, and Sandrine Tunc,
8 sister of Stephanie Tunc, for the death of
9 Stephanie Tunc and injuries and damages
10 sustained by Sandrine Tunc due to the
11 negligence of the City of Miami Beach;
12 providing for an appropriation; providing for
13 attorney's fees, lobbyist's fees, and costs;
14 providing an effective date.

15

16 WHEREAS, on February 22, 2003, 27-year-old Sandrine
17 Tunc and her 26-year-old sister, Stephanie Tunc, were
18 sunbathing on the soft sand of Miami Beach on a sunny
19 afternoon, and

20 WHEREAS, Officer George Varon, a police officer
21 employed by the City of Miami Beach Police Department, while
22 in the course and scope of his duties as a City of Miami Beach
23 police officer, drove a Miami Beach police vehicle on the soft
24 sand of Miami Beach and negligently drove through an area of
25 sunbathers near a lifeguard station, and in fact did drive
26 over Stephanie Tunc and Sandrine Tunc with his police vehicle,
27 proximately causing the death of Stephanie Tunc and serious
28 permanent injuries to Sandrine Tunc, and

29 WHEREAS, Stephanie Tunc was crushed to death by the
30 vehicle and died shortly after the incident, and Sandrine Tunc
31

ENROLLED

2007 Legislature

CS for SB 76, 1st Engrossed

1 survived the accident and was transferred to the Ryder Trauma
2 Center at the Jackson Memorial Hospital, and

3 WHEREAS, the parents of Stephanie Tunc, Claude Tunc and
4 Martine Tunc, seek to recover damages for their mental pain
5 and suffering, as well as future loss of support of services
6 based on the death of their daughter, and

7 WHEREAS, Sandrine Tunc seeks damages for past pain and
8 suffering, disability, impairment, disfigurement, mental
9 anguish, inconvenience, and lost capacity to enjoy life;
10 future pain and suffering, disability, impairment,
11 disfigurement, mental anguish, inconvenience, and lost
12 capacity to enjoy life; loss of future earning capacity; and
13 future medical and psychiatric care and rehabilitation, and

14 WHEREAS, Sandrine Tunc was hospitalized from February
15 22, 2003, through February 28, 2003, at the Jackson Memorial
16 Hospital for a lacerated liver, fractured ribs, punctured
17 lung, contusions, and hematomas, and

18 WHEREAS, also as a result of the injuries incurred on
19 February 22, 2003, Sandrine Tunc has disfiguring scars as well
20 as a permanent hardened cyst-like hematoma in her lower left
21 groin area, and

22 WHEREAS, Sandrine Tunc incurred medical expenses of
23 \$37,624.20 for her treatment at the Jackson Memorial Hospital
24 Ryder Trauma Center, and the decedent, Stephanie Tunc,
25 incurred medical expenses of \$45,030.24 at the Jackson
26 Memorial Hospital Ryder Trauma Center, and

27 WHEREAS, Sandrine Tunc is receiving continuous medical
28 and psychiatric care due to the above injuries as well as the
29 emotional trauma of watching her sister being crushed to death
30 by the police vehicle while they were lying side-by-side on
31 the beach, and

2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

2007 Legislature

CS for SB 76, 1st Engrossed

1 WHEREAS, as a result of a suit filed following the
2 incident, the City Commission of the City of Miami Beach
3 voluntarily agreed to a settlement of this cause in the amount
4 of \$1,500,000, of which \$200,000 will be paid by the City of
5 Miami Beach, and

6 WHEREAS, the remaining \$1,300,000 is to be paid subject
7 to the passage of a claim bill introduced in the Legislature,
8 and

9 WHEREAS, the City of Miami Beach has agreed to support
10 this claim bill, NOW, THEREFORE,

11

12 Be It Enacted by the Legislature of the State of Florida:

13

14 Section 1. The facts stated in the preamble to this
15 act are found and declared to be true.

16 Section 2. The City of Miami Beach is authorized and
17 directed to appropriate from funds not otherwise appropriated
18 and to draw warrants in the amount of \$325,000 to be paid to
19 Claude Tunc and Martine Tunc, individually and as co-personal
20 representatives of the estate of Stephanie Tunc, deceased, and
21 in the amount of \$975,000 to Sandrine Tunc, which amount is
22 inclusive of costs and attorney's fees as limited by this act,
23 as compensation for injuries and damages sustained due to the
24 negligence of the City of Miami Beach.

25 Section 3. Payment for the combined total of
26 professional services and costs incurred by attorneys,
27 lobbyists, and agents or representatives of attorneys or
28 lobbyists shall not exceed \$280,000.

29 Section 4. This act shall take effect upon becoming a
30 law.

31

C. Proof of Publication for a Local Claim Bill

NAPLES DAILY NEWS
Published Daily
Naples, FL 34102

Affidavit of Publication

State of Florida

County of Collier

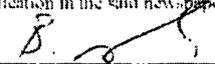
appeared B. Lamb, who on oath says that they serve as the Assistant Corporate Secretary of the Naples Daily, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising, being a

PUBLIC NOTICE

in the matter of PUBLIC NOTICE

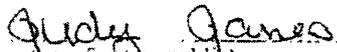
was published in said newspaper 1 time in the issue
On July 12th, 2008

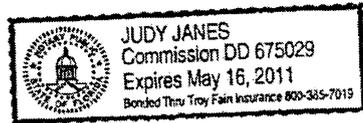
Affiant further says that the said Naples Daily News is a newspaper published at Naples, in Collier County, Florida and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper



(Signature of affiant)

Sworn to and subscribed before me
This 12th Day Of July 2008


(Signature of notary public)



FEI 59-2578327

0119 MISCELLANEOUS 0119 MISCELLANEOUS
NOTICE OF PUBLICATION
TO WHOM IT MAY CONCERN:
Notice is hereby given of the intention to apply to the 2009 Regular Session or subsequent sessions held in 2009 of the Florida Legislature for passage of an act for the relief of J. Rae Hoyer, individually and as Personal Representative of the Estate of David Hoyer, M.D., providing an appropriation (\$1,125,150.00) to compensate her for the death of her husband, David Hoyer, M.D., arising out of his murder and ultimate death on January 6, 2001 which occurred when he was a visitor in the Collier County Jail while conducting a State Court ordered competency to stand trial examination of an inmate in the care, custody and control of Don Hunter, Sheriff of Collier County, Florida; and providing an effective date.
W. HAMPTON KEEN, of
Lytal, Reiter, Clark, Fountain & Williams, LLP
515 N. Flagler Drive, Suite 1000
West Palm Beach, FL 33401
Telephone: (561) 555-1990
Facsimile: (561) 832-2932
Attorneys for Plaintiff
Florida Bar No. 0067709
July 17 No. 1721158

D. Example of a Summary Special Master’s Report for a Settled Claim

Bill #: HB 1043
Sponsor: Rep. Bendross-Mindingall
Companion Bill: SB 76 Sen. Margolis
Special Master: Stephanie Birtman

Basic Information:

- 1. Claimants:** Claude and Martine Tunc, individually and as personal representatives of Stephanie Tunc, deceased; and Sandrine Tunc, sister of Stephanie Tunc.

- 2. Respondent:** City of Miami Beach

- 3. Amount Requested:** \$1,300,000

- 4. Type of Claim:** Equitable. Result of a settlement agreement.

- 5. Respondent’s Position:** Agrees not to oppose and to fully cooperate with claim bill process. The City is holding the full amount in the City’s Risk Management Fund.

- 6. Collateral Sources:** Sandrine has received 49,500 pounds (approximately \$92,000 US dollars as of the date of the initial report) as beneficiary of Stephanie’s life insurance policy and has submitted her medical expenses to her travel insurance company (Tower, Gate, Chase, Parkinson Ltd.). Martine and Claude have received 10,000 pounds (approximately \$18,968 in US dollars) as the beneficiaries of Stephanie’s death indemnity through her employer, The Royal Mail, and have submitted her medical expenses to her travel insurance (Voyagers Assistance).

- 7. Attorney’s Fees:** The claimants’ attorney has submitted an affidavit affirming that his fees are limited to 25% of any settlement as required by law. Lobbying fees are 3%, and are included within the 25% attorney’s fees limitation. There are no outstanding costs.

8. Prior Legislative History: HB 1493 (2004) was filed by Rep. Barreiro. The bill died in the Subcommittee on Claims as there was no timely filed Senate companion bill pursuant to Senate Rule 4.81.

HB 731 (2005) was again filed by Rep. Barreiro. The bill died on the Second Reading Calendar of the House of Representatives. SB 34 (2005) by Sen. Margolis was never considered by the Senate.

HB 383 (2006) was filed by Rep. Barreiro and died in the Justice Council. SB 36 (2006) was filed by Sen. Margolis and was never considered by the Senate.

A. Procedural Summary: On September 18, 2003, Claude and Martine Tunc, and Sandrine Tunc filed a negligence lawsuit against the City of Miami Beach in the circuit court of the 11th Judicial Circuit in and for Dade County. Prior to trial, the parties entered into a settlement agreement whereby the City agreed to pay a total of \$1.5 million, \$200,000 of which has already been paid pursuant to the statutory cap on liability, and agreed to the entry of a final judgment for same.

B. Facts of Case: Stephanie (then aged 28) and her sister Sandrine Tunc (then aged 27) were French citizens visiting Miami Beach on the tail end of their trip to South America for a vacation. Neither sister was married or had children. The two were sunbathing on February 22, 2003 on Miami Beach near the 13th Street lifeguard stand in an authorized area of the beach with other sunbathers nearby. A Miami Beach police officer driving a marked city SUV in the course and scope of his employment, was looking for an alleged robbery suspect without using a siren or flashing lights. The officer drove over both girls, crushing Stephanie and pinning her under the SUV when he first stopped. As a result, Stephanie died; Sandrine suffered a lacerated liver, contusion of her lung, a fractured sacrum, lacerated spleen, contusion of her abdominal wall, numerous burns, and a fractured rib. Her medical bills totaled \$37,624. Stephanie's medical bills totaled \$45,030. Sandrine has suffered a permanent injury and serious psychological ramifications, including anorexia. Her parents, Claude and Martine Tunc flew to Miami from Forges Les Eaux, France, to bring Stephanie's body back for a funeral; they then returned to Miami to assist Sandrine in her recovery until she was well enough to return to her home in England.

An investigation by the State Attorney's Office for the 11th Circuit concluded that the driver was negligent in failing to observe the sunbathers on the beach. No criminal charges were filed against the driver. Miami Beach Police Department Standard Operating Procedure #14 states that police officers will drive in a defensive manner; the officer was found to have breached this policy. As a result of this accident, the City of Miami Beach changed their beach vehicle policy, prohibiting vehicles from patrolling the beach unless dispatched to respond to a call for service; and requiring vehicles that must drive on the beach to use their flashers.

SM: _____ Date: _____
Stephanie O. Birtman

E. Example of a General Claim Bill

ENROLLED

1999 Legislature

SB 4, 1st Engrossed

1
2 An act for the relief of Joseph Bellamy Farver;
3 providing an appropriation to compensate him
4 for injuries and damages sustained as a result
5 of the negligence of the Department of Children
6 and Family Services, formerly the Department of
7 Health and Rehabilitative Services; providing
8 for reimbursement of all unreimbursed medical
9 payments made by Medicaid up to the date that
10 this bill becomes a law; providing an effective
11 date.
12
13 WHEREAS, Joseph Bellamy Farver was born Joseph Bellamy
14 on May 16, 1985, at Broward General Medical Center in Broward
15 County, Florida, and
16 WHEREAS, although Joseph Bellamy was healthy and normal
17 and was seen by pediatricians as he met his normal development
18 goals for the first three to five months of his life, Joseph
19 Bellamy's parents possessed borderline intelligence levels,
20 were emotionally unstable, and could not handle their son, and
21 WHEREAS, it became evident to friends and neighbors of
22 the Bellamy family that Joseph Bellamy was abused, and
23 WHEREAS, between August 1985 and November 1985,
24 twenty-seven phone calls were placed to the State of Florida
25 Department of Health and Rehabilitative Services regarding
26 Joseph Bellamy, and on all occasions the Department of Health
27 and Rehabilitative Services failed to protect Joseph Bellamy
28 from child abuse, as was their duty and responsibility, and
29 WHEREAS, on October 22, 1985, the Department of Health
30 and Rehabilitative Services received a telephone call
31

1

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

1999 Legislature

SB 4, 1st Engrossed

1 informing them that Joseph Bellamy had been slapped, hit,
2 picked up by one arm, and thrown across a bed, and
3 WHEREAS, in response to the call, the Department of
4 Health and Rehabilitative Services did nothing, and
5 WHEREAS, the rules and regulations of the former
6 Department of Health and Rehabilitative Services required the
7 department to conduct a home visit pursuant to such a call and
8 that the child be seen within 24 hours of the receipt of a
9 telephone call by the department alleging child abuse, and
10 WHEREAS, on November 6, 1985, Joseph Bellamy was
11 admitted to Broward General Medical Center with bruises all
12 over his body, having been shaken, having been brain-damaged
13 to the point where he had retinal hemorrhages, hemorrhages in
14 his eyes, a brain hemorrhage, and being in a coma as a result
15 of physical abuse inflicted by his parents, and
16 WHEREAS, the former Department of Health and
17 Rehabilitative Services knew or should have known that such
18 injuries would occur to Joseph Bellamy because they received
19 telephone calls from friends and relatives of Joseph Bellamy,
20 including Joseph Bellamy's grandparents, informing the
21 department that "the parents were retarded," and
22 WHEREAS, it is clear that the former Department of
23 Health and Rehabilitative Services, its investigators, and its
24 counselors should have performed their duty by removing Joseph
25 Bellamy from the Bellamy home, thus protecting Joseph Bellamy
26 from abuse, beatings, and brain damage, and
27 WHEREAS, had Joseph Bellamy been taken into protective
28 custody, the terrible physical problems from which he now
29 suffers would never have occurred, and
30 WHEREAS, Joseph Bellamy Farver will suffer severe
31 neurological medical conditions for the remainder of his life,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

1999 Legislature

SB 4, 1st Engrossed

1 as well as other irreversible and permanent medical
2 conditions, and

3 WHEREAS, Joseph Bellamy Farver has bilateral subdural
4 hematomas, left parietal intraparenchymal hemorrhage, and
5 subarachnoid hemorrhages, and

6 WHEREAS, Joseph Bellamy Farver has a communicating
7 hydrocephalus with a post right ventricular peritoneal shunt,
8 and

9 WHEREAS, Joseph Bellamy Farver has a seizure disorder,
10 secondary to his head injury, and

11 WHEREAS, Joseph Bellamy Farver has multiple
12 contractures of his heel cords, his hamstrings, his hips, and
13 his elbows, and

14 WHEREAS, Joseph Bellamy Farver is profoundly retarded
15 but capable of interacting and showing emotions and responses,
16 and

17 WHEREAS, the number of seizures which Joseph Bellamy
18 Farver experiences are increasing, and

19 WHEREAS, Joseph Bellamy Farver takes 30-milligram
20 tablets of phenobarbital five times a day for his seizures,
21 and

22 WHEREAS, Joseph Bellamy Farver takes 2 milligrams of
23 valium for assistance in sleeping, and

24 WHEREAS, Joseph Bellamy Farver also takes 125
25 milligrams of valporic acid four times a day, and

26 WHEREAS, Joseph Bellamy Farver receives physical
27 therapy, occupational therapy, and speech therapy on a daily
28 basis at school, and is seen on a routine basis by a
29 pediatrician, a neurologist, an orthopedist, and a
30 neurosurgeon, and
31

3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

1999 Legislature

SB 4, 1st Engrossed

1 WHEREAS, following the final incident of abuse against
2 Joseph Bellamy, Joseph Bellamy became a ward of the State of
3 Florida, and

4 WHEREAS, in 1993, Joseph Bellamy was adopted by Jeffrey
5 and Helen Farver, who reside in Panama City, and

6 WHEREAS, his adoptive parents care for him in his
7 present condition, which requires that they tend to his every
8 need, which is a full-time undertaking and requires more
9 resources than they can afford, and

10 WHEREAS, a lawsuit was brought against the State of
11 Florida Department of Health and Rehabilitative Services on
12 behalf of Joseph Bellamy Farver by his court-appointed
13 guardian ad litem, and

14 WHEREAS, after a lengthy jury trial, the jury found the
15 Department of Health and Rehabilitative Services liable for
16 Joseph Bellamy Farver's injuries and awarded him damages in
17 the amount of \$7,000,000, and

18 WHEREAS, the Department of Health and Rehabilitative
19 Services did not appeal the verdict, and has paid \$100,000
20 pursuant to the statutory limits of liability set forth in
21 section 768.28, Florida Statutes, NOW, THEREFORE,

22

23 Be It Enacted by the Legislature of the State of Florida:

24

25 Section 1. The facts stated in the preamble to this
26 act are found and declared to be true.

27 Section 2. There is appropriated from nonrecurring
28 general revenue the sum of \$4,500,000 to be paid as relief to
29 Joseph Bellamy Farver for injuries and damages sustained.

30 Section 3. The Comptroller shall draw a warrant from
31 nonrecurring general revenue in the sum of \$4,500,000 payable

4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ENROLLED

1999 Legislature

SB 4, 1st Engrossed

1 to Helen and Jeff Farver, parents and legal guardians of
2 Joseph Bellamy Farver, to be placed in the Trust created for
3 the benefit of Joseph Bellamy Farver, a minor, to compensate
4 him for injuries and damages sustained. Upon the death of
5 Joseph Bellamy Farver, the Trust balance shall revert to the
6 general revenue of the State of Florida pursuant to the terms
7 of the Trust agreement.

8 Section 4. The governmental entity responsible for
9 payment of the warrant shall pay to the Florida Agency for
10 Health Care Administration the amount due under section
11 409.910, Florida Statutes, prior to disbursing any funds to
12 the claimant. The amount due to the agency shall be equal to
13 all unreimbursed medical payments paid by Medicaid up to the
14 date that this bill becomes a law.

15 Section 5. This act shall take effect July 1, 1999.
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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F. Example of a Special Master's Report on a Contested Claim



**THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS**

Location
408 The Capitol
Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

November 25, 1998

<u>SPECIAL MASTER'S FINAL REPORT</u>	<u>DATE</u>	<u>COMM</u>	<u>ACTION</u>
The Honorable Toni Jennings President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/25/98	SM CF FR	Fav/1 amend

Re: SB 4 - Senator Howard Forman
Relief of Joseph Bellamy Farver

THIS IS A VIGOROUSLY CONTESTED EXCESS JUDGMENT CLAIM FOR \$6.9 MILLION IN STATE GENERAL REVENUE, BASED ON A 1996 JURY VERDICT AND FINAL JUDGMENT AGAINST THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES BASED ON ITS PREDECESSOR AGENCY'S FAILURE, AFTER BEING PUT ON NOTICE, TO INTERVENE PROPERLY AND QUICKLY 13 YEARS AGO TO PROTECT THE THEN 6-MONTH OLD CLAIMANT FROM HIS OWN MOTHER WHO INFLICTED A CATASTROPHIC, VIOLENT, PERMANENT, "SHAKEN BABY" INJURY ON HIM.

FINDINGS OF FACT:

The Abandonment Phase: Joseph Bellamy was a normal, healthy infant born to Coreen and Michael Bellamy at Broward General Medical Center on May 16, 1985. According to the available records of the Department of Health and Rehabilitative Services (HRS), the department's initial contact concerning Joseph Bellamy was logged in exactly 3 months later, before noon on Friday, August 16, 1985, when Joseph's maternal grandfather phoned the department to report that Joseph's parents had left Joseph with him about 2 weeks prior and that the caller and his wife could no longer care for the infant. The caller said that he wanted to talk to an HRS counselor about getting Joseph "placed," presumably in foster care. Grandfather referred

to Joseph's parents as "retarded." According to the HRS records, grandfather apparently called back about a half hour later; spoke to another intake worker; stated that he and his wife would continue to care for Joseph; did not want to see an HRS counselor; and that his wife would call back to HRS the following week. Grandmother did call HRS the next week. There apparently was a flurry of telephonic activity on Thursday, August 22: one call with grandmother, one to the AFDC office, and several attempts to reach the other set of grandparents. The records also indicate that HRS caseworkers made their initial telephone contact with Joseph's mother and father on August 22, during which call one or both of the parents are reported to have said that they did not wish to have their baby returned to them. There was another telephone contact with Joseph's parents on August 30, Friday of the following week, but the specific subject of that conversation was not noted in the records. There is an HRS log entry on Tuesday, September 3, 1985, noting a call from grandmother, relaying a message from Joseph's mother that she, Joseph's mother, was still trying to decide whether to keep Joseph. The HRS records indicate that this "abandonment" case was closed on September 4, 1985 as a "voluntary foster care" situation with "no further services needed" just one day after grandmother's call to say that she would keep the baby as long as she was able to and that she would contact HRS in the future, if necessary. Throughout this entire period, there was apparently no home visit although HRS had been given the child's correct address (properly noted in the agency record), and under the circumstances, based on standards and instructions in the HRS Manual, Rules and statute, a family visit was not only indicated, but required.

Although the initial "abandonment" case apparently had been "closed" on Wednesday, September 4, 1985, somewhat conflicting HRS records show that the matter had actually been transferred to another caseworker who made several intermittent attempts, over the next several weeks, to reach Joseph's grandmother by phone. An HRS caseworker spoke to Joseph's maternal grandfather in mid-October; tried to reach Joseph's mother by phone on October 17 but spoke to an adult female housemate; and on October 31, finally spoke with Joseph's mother.

On the phone, Coreen Bellamy apparently gave a glowing report on her son Joseph's condition and on her family's general domestic tranquility.

The "Milk Allergy" Phase: In the early afternoon on Thursday, October 10, 1985, Joseph was picked up from the Bellamy residence at 1513 NW 12th Terrace in Ft. Lauderdale, and brought by ambulance to the Emergency Department at Broward General Medical Center. Joseph's mother told the staff that Joseph had vomited that day and his eyes had rolled back as though he were having a seizure. The ER physician spoke to Joseph's pediatrician's partner who suggested that Joseph be released with instructions to keep him off cows' milk and on clear liquids for 24 hours, and for Joseph's family to bring him to the pediatrician's office in 3 or 4 days. Joseph's mother signed the medical chart and left the ER with Joseph at 3:20 p.m. There is no record showing that she followed through with the prescribed visit to the doctor's office.

From "Abandonment" to Child Abuse Phase: The HRS records indicate that 12 days later, at 2:15 p.m. on Tuesday, October 22, 1985, a physical abuse intake report was received from a neighbor, via the central 1(800) child abuse hotline, indicating that Joseph had been "slapped, hit, picked up by one arm, and thrown across the bed," and that Coreen Bellamy had abused Joseph by "throwing him to the floor." This hotline report was apparently funneled from Tallahassee to the local Broward HRS office. The intake counselor on duty apparently did not check the Central Information System to look for prior entries on the child, or if a check was made, no match was noted. At 8 a.m. the next day, Wednesday, October 23, 1985, the caseworker then on duty picked up the hotline report and physically went to 1530 NW 12th Terrace, which was in the same block, but not the correct house.

The HRS records indicate that 3 days later, on Friday, October 25, 1985, shortly after noontime, another telephonic report came into the local HRS office. The identity of the caller has been redacted from the records by the current records custodian, as is required by law; however, it was probably either a family member and/or

the same neighbor. In any event, the caller again provided HRS with the Bellamy's correct address, stated that Joseph had a distended stomach and big bruise over his kidney, had passed out, and had been taken by his father to a hospital where he had been treated and released. The caller further related that Joseph's father and mother had had a violent disagreement and had thrown things back and forth. According to HRS records, two HRS intake workers arrived at the correct address for Joseph's residence at 4:50 p.m. that afternoon and reported that although all the lights were on, they got no response at the door. At 9:45 a.m., the next morning, Saturday, October 26, 1985, the HRS caseworker on duty followed up by getting a local police officer to accompany her to the Bellamy residence. Her report says that when they got there, Joseph's mother was there with Joseph, and the female adult family friend. Joseph's father was not there. The HRS worker's report contains Joseph's mother's account of the hospital visit 16 days earlier, the mother's admission that she and her husband argued a lot, and the mother's denial about throwing Joseph to the floor. The friend generally corroborated the mother's story. The HRS caseworker wrote in her report that she had examined Joseph. She also stated in her report that Joseph had "no marks or bruises" and appeared to her to be "very healthy." She apparently found nothing sufficiently unusual and she allowed Joseph to remain at home with his mother. She noted her follow-up plan that had two elements: 1) to try to locate and see the father; and 2) to try to obtain marriage counseling for Joseph's parents. At the Special Master's hearing, there was a suggestion by claimant's counsel that this HRS caseworker had not been entirely candid and that her physical examination of Joseph was not as thorough as she had indicated in the written report she had filed shortly after Saturday, October 26, 1985.

The record then shows that 4 days later, on Wednesday, October 30, 1985, the other caseworker who had gone to the wrong address on Tuesday, October 22, went to the correct address looking for Joseph and/or his mother. The caseworker found no one home. She left her card. The next day, Thursday, October 31, 1985, Coreen Bellamy phoned the local HRS office, apparently in response to the card left the previous day. Coreen said

that she was having financial problems and wanted to discuss "voluntary foster care" for Joseph. The evidence is that she was given an appointment for the following Monday, November 4, 1985. She never made it in.

The Final Assault Phase: Joseph's medical chart reflects that on Wednesday, November 6, 1985, at 1:29 p.m., he was brought in an ambulance, unconscious, at Broward General Medical Center. He was accompanied by both parents. The parents repeated their earlier story that Joseph "went into a seizure" about 15 minutes before. The EMT who treated Joseph during the 9 minute ride, noted that Joseph was in seizure posture with clenched jaw; that he was pale to ashen in color and blue around his lips; and that his eyes had rolled back up into his head. The physician at the emergency department confirmed the seizure status, diagnosed intracranial bleeding, and finally identified Joseph as a "shaken baby." Joseph was admitted to the hospital one hour and 15 minutes after having arrived at the ER door.

Factual Conclusion: A preponderance of the evidence shows that sometime on November 6, 1985, Coreen Bellamy held Joseph under his arms at shoulder level and violently shook him. As a result, Joseph, at 10 days short of his half birthday, became profoundly and permanently brain injured. Both parents were charged with child abuse and/or assault and battery. Both admitted, at one time or another, to have shaken/beaten Joseph. Both were convicted.

Standards for Findings of Fact: Findings of fact must be supported by a preponderance of evidence. The Special Master may collect, consider, and include in the record, any reasonably believable information that the Special Master finds to be relevant or persuasive in the matter under inquiry. The claimant has the burden of proof on each required element. In the final analysis, this is a legislative measure that, once the Master's report and recommendation are filed, can be treated and lobbied in the Legislature, just as any other measure can be. Objections to the Special Master's findings, conclusions, and recommendations can be addressed directly to the members of the Senate, either in committee, or individually, as the parties choose.

CURRENT MEDICAL
SITUATION:

Joseph, now age 13, has a permanent, irreversible brain injury as a result of head trauma inflicted on him in November 1985. It is chronic (old), fixed (occurred at one moment), and non-progressive (not itself getting worse, but with ongoing complications that pose medical risks). In the shaking, he suffered bilateral subdural hematomas (accumulations of blood in the subdural space of his head), multiple brain hemorrhages, and hydrocephaly (cerebrospinal fluid leaking in his skull). He has a seizure disorder that is somewhat controlled with medication. He is profoundly retarded with cerebral palsy, spasticity (tightening) and contraction of many body joints. His IQ is estimated to be in the 25 range. These conditions manifest themselves in poor head control, the tendency toward maintaining a fetal position, tucked-in thumbs, and drooling with mouth open and tongue protruding. Joseph is sentient but cannot vocalize. He can laugh, make noises, respond to pain, and follow an object with his eyes. He can turn to voices. He is not toilet trained and never will be. He eats pureed food by mouth, but must be watched at meal time to avoid the risk of choking. He cannot feed or clothe himself. He weighs about 50+ pounds at his current age 13, and should grow to 100+ pounds at adult size. He will require yearly evaluation by an assorted group of physicians and will require anti-spasticity and anti-convulsant drugs for the foreseeable future. He will need physical, speech, aquatic, and related therapies. His expected life span, with optimum medical care, according to one set of experts, is into his 60's. There was conflicting yet credible evidence in the record that his remaining lifespan will be substantially reduced, based on the statistics of similarly injured persons.

CURRENT LIVING
SITUATION:

Joseph has been a ward of the State of Florida since late 1985. He was placed with Jeff and Helen Farver in November 1993 and legally adopted by them in April 1994. Jeff and Helen Farver are missionaries carrying out a ministry of Central Baptist Church in Panama City. Their mission is named in memory of Mephibosheth, the son of Jonathan and grandson of Saul, who King David treated as one of his own sons. II Samuel 9:5-13. Mephibosheth is significant to the Farvers because he was described in II Samuel 4:4 as being "lame of feet,"

the only such physically afflicted individual specifically named in the scriptures.

At the time of the 1997 Special Masters' hearing, the Farver family was supported by a modest monthly allowance from their church, plus \$2,400 a month support for Joseph from his guardianship estate, plus about \$470 per month in SSI for each of the other 4 siblings, also adopted by the Farvers. All the Farver children are in a similar medical state.

Joseph attends the Margaret K. Lewis Center, an educational facility of the Bay County School District. He gets picked up around 7 a.m., 4 to 5 days a week, depending on his daily physical condition. This gives Joseph's parents some respite. There has never been any professional nursing assistance in the Farver residence. Caring for these children is the full-time work, mission, ministry, and responsibility of Jeff and Helen Farver.

CLAIMANT'S ARGUMENTS:
Paraphrased for brevity)

1. Joseph comes to the Legislature with a jury verdict for \$7 million. HRS could have, but did not, appeal it or ask for a new trial. His court-appointed guardian and lawyers have been through all the hoops. It has been 13 years since HRS employees abandoned Joseph, an infant unable to protect himself from his violent, retarded mother. HRS employees had over 20, perhaps up to 27 separate warnings/contacts from Joseph's relatives and neighbors. This is active, actionable negligence, and payment of this verdict will have the result of teaching the department about the results of sloppy, careless work.
2. HRS (now DCF) lawyers admitted HRS' liability at the Special Masters' hearing. The issue for the Legislature is only the proper amount to pay Joseph's guardianship estate as damages.
3. One of Florida's most respected pediatric neurologists has prescribed a medically necessary "optimal" plan for Joseph's treatment. The plan has been quantified by a respected, experienced, credible Ph.D. economist who testified in court and before the Special Masters. The result of the plan

(based on the pediatric neurologist's estimate of Joseph's remaining life expectancy of about 50 years) is about \$17 million, comprised of about \$14 million for round-the-clock LPN care to be supplied to Joseph by a private nursing agency, and about \$3 million for other future medical needs.

4. State-provided Children's Medical Services are inadequate. Those providers are overworked, overbooked, underfunded, undependable, have a high turnover, and are getting worse, not better, as time goes on and government cutbacks in these programs continue. Furthermore, there may be no such thing as Medicaid and Children's Medical Services by the end of Joseph's life. This is Joseph's court-appointed guardian's only shot at providing a guaranteed fund to pay for all of Joseph's medical needs in perpetuity.

RESPONDENT'S ARGUMENTS: Yes, we admit liability; BUT:
(Paraphrased for brevity)

1. Joseph's guardian and lawyers have already exacted \$1,644,000 from Broward General Medical Center, his pediatrician, and the ambulance company as a result of their combined failure to diagnose child abuse.¹ Even after paying his attorneys over a half million dollars, and paying \$170,000 for the new house owned by the guardianship estate, plus \$42,612 to renovate it for Joseph and his entire family, the guardian still has between \$900,000 and \$1 million in the bank that, at a conservative 5-6% per annum interest, practically guarantees to throw off about \$4,000 per month in interest alone, which is more than Joseph will ever need for reasonable medical and home care "extras" and special needs expenses, even if he lives another 50 years.
2. Joseph does not need an "optimal" plan when a normal plan will suffice. In fact, Joseph has done

¹ As a result of a failure by the emergency room physician, Joseph's pediatricians, the hospital staff, and the ambulance company on October 10, 1985 to diagnose and report suspected child abuse based on the presence of several of its classic symptoms: an extraordinarily elevated level of the enzyme CPK, scratches and bruises, and deviated and staring eyes, Joseph's guardian sued and obtained a settlement recovery of \$1.64 million, the bulk of which remains in Joseph's guardianship account, subject to court control, after deduction of contingency fees of about \$588,000 and costs of about \$143,000.

adequately with the Farvers, under the circumstances, for over 5 years. Mrs. Farver testified that she is generally satisfied with Joseph's current medical treatments. Joseph does not need round-the-clock LPN care. First of all, Joseph attends public school for 8 hours a day about 4 days a week. Next, he sleeps for another 8 hours out of every 24. Finally, he does not need an LPN when a home health care worker can do whatever his mother and father have been doing themselves, without an LPN, or anyone else for that matter, since November, 1993, when they brought him to Panama City.

3. The "optimal" plan his lawyer wants the Legislature to fund, up to the amount of the court's Final Judgment, ignores the fact that the State of Florida, using Medicaid, Children's Medical Services, and Developmentally Disabled program funds, has paid, and will continue to pay virtually 100% of Joseph's medical and associated pharmaceutical, therapy and assistive devices bills, until the day he dies. In fact, the state, as of the 1998 session, had already paid about \$34,400 in Medicaid funds on behalf of Joseph, and substantial benefits under Children's Medical Services programs.
4. The department was prohibited from raising the issue of comparative fault at the two court trials in this case, but the department can still raise it in the Legislature. Joseph's mother was the direct cause of their own son's catastrophic injuries. If their names had been allowed on the verdict forms, along with the HRS, the jury would have been able to assess the active, direct negligence of Coreen and Michael Bellamy and balance that with the passive, failure to act negligence of the department. Damages against the HRS would have been much lower.

CONCLUSIONS OF LAW:

Some see the Legislature's role in claim bills against the State of Florida as merely rubber stamping and "passing through" for payment those jury verdicts that have been reduced to judgment and survived appeal, if any. Others see the Legislature's role as a *de novo* responsibility to review, evaluate, and weigh the total circumstances and type of the state's liability in the case, and to consider those

factors that might not have been perceived by or introduced to the jury or court.

Whichever of these two views each lawmaker holds, at the Special Master's level every claim bill, whether based on a jury verdict or not, must be measured anew against the four standard elements of negligence.

Element 1) DUTY--In the fall of 1985, the department and its employees had a clear statutory duty to receive reports of suspected child abuse, neglect and abandonment; to commence an investigation "immediately, regardless of the time of day or night"; and to act on the investigation and protect the child if it was determined that the situation warranted it. Section 415.505, F.S.(1985). In addition, the department itself promulgated Section 10M-2.03, F.A.C., calling for an immediate child protective investigation in 11 specified factual instances, at least 4 of which pertained to Joseph at one time or another between August 16 and November 6, 1985. Furthermore, the department had a newly revised, extensive and detailed Manual, HRSM 210-1 1983, revised July 1, 1985, that outlined and explained the department's official Intake Program and set out in very great detail, the responsibilities, required steps, time lines, and reporting requirements that applied to intake workers dealing with possible child abuse, neglect or abandonment cases. Finally, a majority of the justices of the Florida Supreme Court, in HRS vs. Yamuni, 529 So.2d 258 (Fla. 1988), rejected HRS' arguments to the contrary, and at page 261, stated that HRS had a common law duty of care, in addition to its statutory duty, to prevent further harm to children when reports of child abuse are received. In short, duty was clear.

Element 2) BREACH--Was there one and was it serious enough to be actionable? In my view, this determination must be based on a 1998 perception of whether the actions of the department's employees in 1985 fell below what was expected by the Secretary and required by law. I think that the evidence of breach was preponderant. Furthermore, any doubt as to sufficiency has been wiped away by the department's attorney's admission that HRS employees breached the department's duty to protect Joseph. In short, he conceded liability at the Special Masters' hearing.

Element 3) PROBABLE CAUSE--The evidence points to the conclusion that Joseph's mother shook the living daylight out of him on November 6, 1985. Whether it was due to her rage because he would not stop crying, or her retardation and failure to appreciate the effect of what she was doing, does not make much difference at this point. She severely and practically fatally injured her own child. She was, and continues to be, the direct cause of Joseph's profoundly disabled condition. Nevertheless, the department's employees had a clear chance to break the chain of events that resulted in Joseph's injuries, but did not do so. In hindsight, the department would have been able to prevent the November 6, 1985 violence if its agents had intervened and removed Joseph from his parents' custody prior to that date.

Element 4) DAMAGES--There were two jury verdicts in Joseph's cases against the department.

1. The first jury heard extensive and conflicting testimony from experts in both the medical and economic loss areas. Jury #1 set Joseph's monetary damages at:

Past pain, suffering, disability, impairment, disfigurement, mental anguish, inconvenience, and lost capacity to enjoy life	\$ 100,000
Future pain, suffering, etc.	\$ 550,000
Present value of loss of future earning capacity	\$1,050,000
Present value of future medical care and rehabilitation	<u>\$12,800,000</u>
	\$14,500,000

The Final Judgment based on this verdict was overturned on appeal based on a judicial error in improperly allowing certain evidence at trial.

2. Another jury, 3 years later, heard much of the same conflicting testimony and set Joseph's monetary damages at:

Past pain, suffering, disability, impairment, disfigurement, mental anguish, inconvenience, and lost capacity to enjoy life	\$ 1,000,000
Future pain, suffering, etc.	\$ 1,500,000
Present value of loss of future earning capacity	\$ 500,000
Present value of future medical care and rehabilitation	<u>\$ 4,000,000</u> \$ 7,000,000

The second Final Judgment, in which \$6,900,000 remains unpaid, was not appealed by the department, and is the basis of this claim bill. Obviously, Joseph's damages are extensive.

ATTORNEYS FEES:

Section 768.28(8), F.S., limits claimant's attorneys' fees to 25 percent of claimant's total recovery by way of any judgment or settlement obtained pursuant to §768.28, F.S. Claimant's attorney has acknowledged this limitation.

LEGAL POLICY ISSUES:

This claim again raises the applicability and retroactivity in the legislative forum of the concepts underlying §768.81, F.S., the statute that applies "comparative fault" in certain "negligence" cases insofar as noneconomic damages are awarded. It also raises the applicability in the legislative claim bill forum of the concepts underlying *Fabre v. Marin*, 623 So.2d 1182 (Fla. 1993), that judgment should be entered against each "party" on the basis of that party's percentage of fault, regardless of whether they could have been joined as a defendant. It also raises the question of whether, in the legislative claim bill forum, the Legislature should try to apply the concepts where, as here, the other "parties" [Joseph's natural parents] committed intentional criminal actions, not "negligence." Finally, it raises the question of whether, in the legislative claim bill forum, these principles should be made to apply to all damages awarded on the verdict, including economic damages.

These issues are ones of policy, to be argued by the parties to the respective legislative committees that consider this claim bill.

HISTORY OF
THIS CLAIM BILL:

This claim was first presented to the 1998 Legislature as Senate Bill 62 and HB 3043. The Senate measure was heard by the Senate Committee on Children, Families and Seniors, and the Senate Ways and Means Committee.

The undersigned Special Master recommended an amendment to reduce the claim to \$1,756,000. The first committee disagreed and recommended an amendment to pay \$3,000,000. The Ways and Means Committee recommended an amendment to raise the amount back to \$4.5 million. The bill was placed on the Senate Calendar on March 30, 1998 and remained there until sine die on May 1, 1998. No further Special Masters' hearings have been held and the only additional written document in the record is an updated Rehabilitation Evaluation from Dr. Michael Shahnasarian, a Certified Rehabilitation Counselor, dated November 3, 1998, a copy of which has been provided to the Special Masters and to the claimant's counsel by the department's attorney. The counselor's update concludes that Joseph's medical course seems to remain stable and the life care plan presented in 1997 remains unchanged.

We have also been given a "day-in-the-life" videotape as an alternative to the brief home visit to the Farver residence earlier this month which the Special Masters had requested to make but which the Farvers and/or their attorneys declined to authorize.

GENERAL CONCLUSIONS:

I find that the claimant has proven that the department had a duty to him at all times between August 16 and November 6, 1985; that the employees of the department made efforts to comply with that duty, but, as their lawyer has candidly admitted, they fell short of hitting the mark; that such failure was one of several causes of the injuries sustained by Joseph Farver at the hands of his mother and/or father; and that Joseph's injuries were and continue to be catastrophic.

The "teach 'em a lesson" effect of this claim bill on a state agency will be minimal because the Legislature is now dealing with a successor department, and activities that occurred 13 years ago.

Michael and Coreen Bellamy, Joseph's natural mother and father, as the primary actors, should bear the lion's share of responsibility for inflicting Joseph's injuries. I myself would

SPECIAL MASTER'S FINAL REPORT--SB 4

November 25, 1998

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assess their responsibility at greater than half, but because the jury was given no opportunity to assess damages against anyone other than HRS, and because I have no objective way of allocating them, I have resorted to assessing Joseph's natural parents' blame and their responsibility at half.

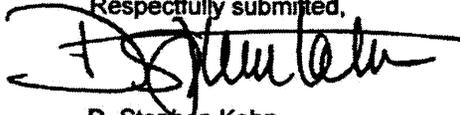
Furthermore, it is my view that the department is entitled to a set-off for \$1,644,000 which, for legislative claim bill purposes, is a proper deduction.

Finally, the department is entitled to credit for the \$100,000 it has already paid to the guardian of Joseph's property.

RECOMMENDATIONS:

ACCORDINGLY, I again recommend that Senate Bill 4 be amended to pay Joseph's guardianship account the sum of \$1,756,000, and be reported FAVORABLY AS AMENDED.

Respectfully submitted,



D. Stephen Kahn
Senate Special Master

cc: Senator Howard Forman
Faye Blanton, Secretary of the Senate
Stephanie Olin, House Special Master

G. Text of Senate Rule 4.81

4.81—Claim bills

- (1) Claim bills are of two (2) types: excess judgment claims filed pursuant to section 768.28(5), Florida Statutes, and equitable claims filed without an underlying excess judgment.
- (2) All claim bills shall be filed with the Secretary of the Senate on or before August 1 in order to be considered by the Senate during the next regular session, except that members elected to the Senate during a general election may have sixty (60) days from the date of that election to file a claim bill(s). Senators currently serving who are re-elected during a general election are not subject to the immediately preceding provision relating to sixty (60) days. A motion to introduce a claim bill notwithstanding the claim bill filing deadline, shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. A House claim bill which does not have a Senate companion claim bill timely filed under this Rule shall not be considered by the Senate. Any motion to consider a House claim bill which does not have a timely-filed Senate companion bill shall be referred to the Committee on Rules for a hearing and a determination as to the existence of an emergency reasonably compelling consideration of a claim bill notwithstanding the claim bill filing deadline. The determination by the Committee on Rules shall be reported back to the Senate. Upon a determination by the committee that an emergency does exist, the motion may be considered by the Senate and must be adopted by a two-thirds (2/3) vote of those Senators present.
- (3) If the President determines that a de novo hearing is necessary to determine liability, proximate cause, and damages, a Special Master shall conduct such hearing pursuant to reasonable notice. Discovery procedures shall be governed by the Florida Rules of Civil Procedure and the Florida Evidence Code, as applicable. The Special Master shall administer an oath to all witnesses, accept relevant documentary and tangible evidence properly offered, record the proceedings, and prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master who shall be available, in person, to explain his or her report to the committees and to the Senate.
- (4) All claim bills shall be referred by the President to one (1) or more committees for review. On receipt of the Special Master's report and recommendations, if any, the Secretary shall, upon the President's reference, deliver each claim bill with the report attached, to the committee or committees of reference.
- (5) Stipulations entered into by the parties are not binding on the Special Master, the Senate, or its committees.
- (6) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement. This subsection does not apply to a bill which relates to a claim of wrongful incarceration.

H. Text of Senate Rule 3.3

3.3—Form of local bills

As required by Article III, Section 10 of the *State Constitution*, all local bills must either embody provision for ratifying referenda (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit may be obtained from the Secretary of the Senate. All local bills that require publication shall, when introduced, have proof of publication securely attached to the original copy of the bill and the words “Proof of Publication Attached” clearly typed or stamped on the Senate side of the bill jacket or cover, or the same shall be rejected by the Secretary.

I. Text of House Rule 5.3

5.3—Limitation on Member Bills Filed

- (a) A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. For purposes of this Rule, the member considered to have filed a bill is the first-named sponsor of the bill.
- (b) Bills not counted toward these limits include:
 - (1) Local bills, including local claim bills.
 - (2) Ceremonial House resolutions.
 - (3) Memorials.
 - (4) Concurrent resolutions relating to extension of a session or legislative organization or procedures.
 - (5) Trust fund bills adhering to another bill.
 - (6) Public records or public meetings exemption bills adhering to another bill.
 - (7) General bills adhering to a joint resolution.
 - (8) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.
 - (9) Bills withdrawn from further consideration prior to the applicable filing deadline.

J. Text of House Rule 5.6

5.6—Claim Bills

- (a) The Speaker may appoint a Special Master to review a claim bill or conduct a hearing, if necessary. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered as deemed necessary, and record the hearing. The Special Master may prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any council or committee of reference.
- (b) Stipulations entered into by the parties are not binding on the Special Master or the House or its councils or committees.
- (c) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted, except that the hearing and consideration of a claim that is still within the judicial or administrative system may proceed when the parties have executed a written settlement agreement.

K. Text of Article X, Section 13, Florida Constitution

ARTICLE X. MISCELLANEOUS

SECTION 13. Suits against the state

Provision may be made by general law for bringing suit against the state as to all liabilities now existing or hereafter originating.

L. Text of Section 11.02, Florida Statutes

11.02 Notice of special or local legislation or certain relief acts. —The notice required to obtain special or local legislation or any relief act specified in s. 11.065 shall be by publishing the identical notice in each county involved in some newspaper as defined in chapter 50 published in or circulated throughout the county or counties where the matter or thing to be affected by such legislation shall be situated one time at least 30 days before introduction of the proposed law into the Legislature or, there being no newspaper circulated throughout or published in the county, by posting for at least 30 days at not less than three public places in the county or each of the counties, one of which places shall be at the courthouse in the county or counties where the matter or thing to be affected by such legislation shall be situated. Notice of special or local legislation shall state the substance of the contemplated law, as required by s. 10, Art. III of the State Constitution. Notice of any relief act specified in s. 11.065 shall state the name of the claimant, the nature of the injury or loss for which the claim is made, and the amount of the claim against the affected municipality's revenue-sharing trust fund.

M. Text of Section 11.021, Florida Statutes

11.021 Evidence of publication of notice.--The evidence that such notice has been published shall be established in the Legislature before such bill shall be passed, and such evidence shall be filed or preserved with the bill in the Department of State in such manner as the Legislature shall provide.

N. Text of Section 11.03, Florida Statutes

11.03 Proof of publication of notice.--

(1) Affidavit of proof of publication of such notice of intention to apply therefor, may be made, in substantially the following general form, but such form shall not be exclusive:

STATE OF FLORIDA
COUNTY OF _____

Before the undersigned authority personally appeared _____, who on oath does solemnly swear (or affirm) that she or he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to

(here identify bill)

has been published at least 30 days prior to this date, by being printed in the issues of (here state day, month and year of issue or issues) of the _____, a newspaper or newspapers published in _____ County or Counties, Florida (or) there being no newspaper, by being posted for at least 30 days prior to this date at three public places in _____ County or Counties, one of which places was at the courthouse of said county or counties, where the matter or thing to be affected by the contemplated law is situated; that a copy of the notice that has been published as aforesaid and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

Sworn to (or affirmed) and subscribed before me this _____ day of _____, (year), by (name of person making statement).

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced

(2) Such affidavit of proof of publication shall be attached to the contemplated law when it is introduced into the Legislature. A true copy of the notice published or posted shall also be attached to the bill when introduced, but it shall not be necessary to enter said published or posted notice, or proof thereof, in the journals. The fact that such notice was established in the Legislature shall in every case be recited upon the journals of the Senate and of the House of Representatives, and the notice published and affidavit of publication thereof shall accompany the bill throughout the Legislature and be preserved as a part thereof in the Department of State.

O. Text of Section 11.065, Florida Statutes

11.065 Claims against state; limitations; notice.—

- (1) No claims against the state shall be presented to the Legislature more than 4 years after the cause for relief accrued. Any claim presented after this time of limitation shall be void and unenforceable.
- (2) All relief acts of the Legislature shall be for payment in full. No further claims for relief shall be submitted to the Legislature in the future.
- (3) Notice shall be given as provided in s. 11.02 prior to the introduction of any relief act which provides for the payment of the claim from funds scheduled for distribution to a municipality from the revenue-sharing trust fund for municipalities.

P. Text of Section 11.066, Florida Statutes

11.066 Suits seeking monetary damages against the state or its agencies; payment of judgments; appropriations required.--

- (1) As used in this section, the term "appropriation made by law" has the same meaning as in s. 1(c), Art. VII of the State Constitution and means money allocated for a specific purpose by the Legislature by law in a general appropriations act or a special appropriations act.
- (2) The state and each state agency, when exercising its inherent police power to protect the public health, safety, or welfare, is presumed to be acting to prevent a public harm. A person may rebut this presumption in a suit seeking monetary damages from the state or a state agency only by clear and convincing evidence to the contrary.
- (3) Neither the state nor any of its agencies shall pay or be required to pay monetary damages under the judgment of any court except pursuant to an appropriation made by law. To enforce a judgment for monetary damages against the state or a state agency, the sole remedy of the judgment creditor, if there has not otherwise been an appropriation made by law to pay the judgment, is to petition the Legislature in accordance with its rules to seek an appropriation to pay the judgment.
- (4) Notwithstanding s. 74.091, a judgment for monetary damages against the state or any of its agencies may not be enforced through execution or any common-law remedy against property of the state or its agencies, and a writ of execution therefor may not be issued against the state or its agencies. Moreover, it is a defense to an alternative writ of mandamus issued to enforce a judgment for monetary damages against the state or a state agency that there is no appropriation made by law to pay the judgment.
- (5) The property of the state, the property of any state agency, or any monetary recovery made on behalf of the state or any state agency is not subject to a lien of any kind.

Q. Text of Ethics Opinion 69-009

Opinion 9

ATTORNEY-LEGISLATOR---FILING OF CLAIM BILL

The question presented to the Committee was whether a legislator would be in conflict with his duties when he filed a claim bill when he or his partner would receive a fee from the claimant.

Chapter 67-469, Florida Statutes, provides in its Declaration of Policy: "...no member of the legislature...shall have any interest financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity... which is in substantial conflict with the proper discharge of his duties in the public interest..."

Under Rule 5.9—A member of the House of Representatives shall not directly or indirectly receive or appear to receive any compensation for any service rendered or to be rendered by him or others where such activity is in conflict with his duty as a Member of the House of Representatives.

It is the opinion of the Committee that it is a conflict of interest for a member, his law partner or his firm to receive a fee or to participate in sharing any fee derived from claimant cases.

The Committee believes that the test is whether or not the legislator or his law partner or his law firm would receive a fee and that if a fee is to be received by a legislator, his law partner or his law firm it would be improper for the legislator to file a claim bill.

John J. Savage
Chairman

(Journal, House of Representatives, 1969, May 2, page 317)

R. Text of Ethics Opinion 71-016

Opinion 16

ATTORNEY-LEGISLATOR---PARTNER FILING CLAIM BILL

The question presented to the Committee on House Administration and Conduct by a Member of the House of Representatives was whether or not it would constitute a conflict of interest if the law partner of the Member caused to be introduced a claim bill on behalf of a client.

It was the Opinion of the Committee that the introduction of a claim bill by the law partner of a Member, particularly if a fee was involved, would constitute a conflict of interest on the part of the Member. It is well settled that every member of the law firm is the agent of all other members of the firm. The introduction of a claim bill would necessarily require lobbying on behalf of the bill. The Florida Bar Association in two Opinions, 67-5 and 67-5 Supplement, has ruled that a Member of the Legislature would violate Canon 6 if a legislator was a member of a firm active in lobbying in the Legislature even though the legislator did not participate in the lobbying fee, and even though the legislator disqualified himself in voting on the proposal for which the lobbying service was rendered, in this matter, the claim bill.

The Committee on Standards and Conduct of the House of Representatives rendered an Opinion during the 1967 session of the House under Rule 5.9 that it was a conflict of interest for a Member, his law partner, or his law firm, to receive a fee and to participate in sharing any fee derived from claimant cases.

Therefore, in view of the ruling of the Florida Bar Association, and the previous ruling of this Committee, it appears that there would be a conflict on the part of the Member if there was introduced, or caused to be introduced, a claim bill by his law partner.

George Firestone
Chairman

(Journal, House of Representatives, 1971, February 4, Page 119)

S. Text of *Gamble v. Wells*, 450 So.2d 850 (Fla. 1984)

Gamble v. Wells
Fla., 1984.

Supreme Court of Florida.
Charlotte I. GAMBLE, as Guardian of the Property of
Cynthia Leigh Gamble, Appellant/Cross-Appellee,
v.
Ted L. WELLS, Appellee/Cross-Appellant.
No. 63768.

May 17, 1984.

Cross appeals were taken from a decision of the Circuit Court, Hillsborough County, Benjamin C. Sidwell, J., which awarded attorney \$50,000 for services rendered which led to passage of a 1980 legislative private relief act appropriating \$150,000 to his client but limiting his recovery to \$10,000. The District Court of Appeal, 436 So.2d 173, declared limitation on the attorney fee unconstitutional, and guardian of child awarded the \$150,000 appealed. The Supreme Court, Alderman, C.J., held that attorney fee limitation was a constitutionally permissible exercise of legislative authority and did not constitute an impairment of contractual obligations proscribed by the State Constitution.

Reversed and remanded with directions.

Shaw, J., concurred in result only.
West Headnotes

[1] Attorney and Client 45 ⚔ 131

45 Attorney and Client
45IV Compensation
45k131 k. Statutory Regulations. Most Cited Cases

Constitutional Law 92 ⚔ 2749

92 Constitutional Law
92XXII Obligation of Contract
92XXII(C) Contracts with Non-Governmental
Entities
92XXII(C)2 Particular Issues and Applications
92k2746 Contracts for Services
92k2749 k. Legal Services. Most Cited
Cases
(Formerly 92k146)

Limitation of attorney fees to \$10,000, contained in private relief statute awarding \$150,000 in damages to child injured while in the custody of the Department of Health and Rehabilitative Services, was a constitutionally permissible exercise of legislative authority and did not constitute an impairment of contractual obligations proscribed by the State Constitution, despite fact that attorney had contracted to take case for a 33 1/3 percent contingency fee. Laws 1980, ch. 80-448, § 1 et seq.; West's F.S.A. Const. Art. 1, § 10.

[2] States 360 ⚔ 129.1

360 States
360IV Fiscal Management, Public Debt, and Securities
360k129 Appropriations
360k129.1 k. In General. Most Cited Cases
(Formerly 360k129)

In seeking to obtain relief, for child injured while in the custody of the Department of Health and Rehabilitative Services, by means of a private relief act, the child's attorney was not in a position to demand that the legislature grant compensation to the child, but could only request the legislature to grant the compensation sought; the legislature, as a matter of grace, could allow compensation, decide amount of compensation, and determine the conditions, including a limitation on attorney fee, to be placed on the appropriation. Laws 1980, ch. 80-448, § 1 et seq.; West's F.S.A. Const. Art. 1, § 10.

[3] States 360 ⚔ 90

360 States
360III Property, Contracts, and Liabilities
360k90 k. Capacity of State to Contract in General.
Most Cited Cases
Parties cannot enter into a contract to bind the state and the exercise of its sovereign power.

[4] Attorney and Client 45 ⚔ 147

45 Attorney and Client
45IV Compensation
45k146 Contingent Fees
45k147 k. Requisites and Validity of Contract.
Most Cited Cases

Legislature had sovereign power to place an attorney fee limitation in statute it enacted to award damages to child injured while in the custody of the Department of Health and Rehabilitative Services, and the attorney, by the terms of a contingent fee contract with a guardian of a child, could not deprive the legislature of that power. Laws 1980, ch. 80-448, § 1 et seq.; West's F.S.A. Const. Art. 1, § 10.

Stevan T. Northcutt of Levine, Freedman, Hirsch & Levinson, Tampa, for appellant/cross-appellee.
Howard C. Hadden, Tampa, for appellee/cross-appellant.
Hamilton D. Upchurch, Chairman, Committee on Judiciary, and Richard A. Hixson, Staff Counsel, Tallahassee, for H. Lee Moffitt, Speaker of the Florida House of Representatives, amicus curiae.
ALDERMAN, Chief Justice.

Charlotte Gamble, as guardian of the property of Cynthia Gamble, appeals and Ted Wells cross-appeals the decision of the District Court of Appeal, Second District, in *Gamble v. Wells*, 436 So.2d 173 (Fla. 2d DCA 1983). The Second District declared invalid the portion of chapter 80-448, Laws of Florida, which placed a \$10,000 limitation on the attorney's fee for Cynthia Gamble's attorney. We have jurisdiction pursuant to article V, section 3(b)(1), Florida Constitution.

[1] We reverse the district court and hold that the attorney's fee limitation in chapter 80-448 is a constitutionally permissible exercise of legislative authority and does not constitute an impairment of contractual obligations proscribed by article I, section 10 of the Florida Constitution.^{FN1}

FN1. Gamble, in her brief, also contended that she was entitled to trial by jury as a matter of right. We need not resolve that issue since Gamble's counsel at oral argument advised the Court that, if he prevailed on the first issue and the legislative limitation was upheld, he had no problem with the amount set by the legislature.

The facts are stated at length in the district court's decision. Briefly the pertinent facts are that commencing in 1967, while in the custody of the State Department of Public Welfare, now known as the Department of Health and Rehabilitative Services, due to the negligence of the department, Cynthia Gamble sustained crippling and disfiguring injuries. In 1975, Charlotte Gamble, who had been granted legal custody of Cynthia, contacted Ted Wells, a personal injury trial lawyer, and told him that the child had been abused and injured while in the previous legal custody of HRS. She signed a standard contingent fee contract giving Wells authority to represent Cynthia. This contract provided, among other things, that as compensation for his services Wells would be paid 33 1/3 *852 percent of the proceeds of recovery if the matter was settled without suit, 40 percent if suit was filed, and 50 percent if an appeal was taken from the lower court.

In 1977 Wells decided that the only possible means available for recovery would be a private relief act. He represented Cynthia before the legislature during the deliberations over the claims bill. In 1980, the legislature enacted chapter 80-448, Laws of Florida.^{FN2} Section 3 of this act specifically limits the attorney's fee to Cynthia's counsel to \$10,000.

FN2. An act for the relief of Cynthia Leigh Gamble, a minor; providing an appropriation to compensate her for personal injuries due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

WHEREAS, on May 24, 1967, Cynthia Leigh Gamble, then 3 months old, was taken into the

custody of the juvenile court of Hillsborough County and because she had no living parent was placed in the custody of the State Department of Public Welfare, and

WHEREAS, on August 6, 1967, Cynthia Gamble was admitted to Tampa General Hospital where it was discovered that she had several injuries, and WHEREAS, on July 29, 1969, while still in the custody of the department, Cynthia Gamble was readmitted to the hospital suffering from a variety of illnesses and injuries, and

WHEREAS, on August 4, 1969, it was concluded that the child's skeletal deficiencies and changes were the result of vitamin deficiency and trauma, and

WHEREAS, the child was placed in the home of a new foster mother and has since received adequate medical care at the Crippled Children's Clinic to overcome the crippling and disfiguring injuries carelessly and negligently inflicted upon her while she was in the custody of the now Department of Health and Rehabilitative Services, and

WHEREAS, due to the negligence of the department, Cynthia Gamble has required plastic surgery and orthopedic operations and remains crippled and disfigured, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble of this act are found and declared to be true.

Section 2. The sum of \$150,000 is appropriated from funds in the State Treasury to the credit of the Department of Health and Rehabilitative Services, not otherwise appropriated, to compensate Cynthia Leigh Gamble for personal injuries.

Section 3. The Comptroller is directed to draw his warrant in favor of Cynthia Leigh Gamble to be applied to a trust fund to be administered and accounted for by her legal guardian in the sum of \$150,000 upon funds in the State Treasury to the credit of the Department of Health and Rehabilitative Services, and the State Treasurer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated. The attorney's fee for counsel of Cynthia Leigh Gamble shall be limited to \$10,000.

Section 4. This act shall take effect July 1, 1980.

Approved by the Governor July 2, 1980.

Filed in Office Secretary of State July 3, 1980.

Wells advised Gamble that he would not accept only \$10,000 and that he believed the fee limitation to be unconstitutional. Gamble refused to pay Wells more than \$10,000.

Wells then filed in probate court for attorney's fees, under the terms of the contingent fee contract for costs and for a

charging lien. The probate court awarded Wells attorney's fees of \$50,000 pursuant to the contingent fee contract clause which provided for a fee of 33 1/3 percent in the event the case was settled without suit, allowed \$710.24 in costs, impressed a charging lien, and denied prejudgment interest. Declining to hold the attorney's fee limitation of the act unconstitutional, the probate court held that this language of chapter 80-448 was mere surplusage.

Upon appeal, the district court held that the attorney's fee limitation amounted to an unconstitutional impairment of a contractual obligation but that this limitation was severable from the remainder of the private relief act. It further determined, however, that Wells waived his contractual rights during his conversation with Representative Upchurch to a qualified extent by holding out for 25 percent of whatever amount the legislature awarded the child. Accordingly, the Second District directed the trial court to reduce the fee award to \$37,500, without prejudgment interest.

[2] We disagree and hold that no contract rights were impaired by section 3 of chapter 80-448. By enacting chapter 80-448, the legislature found that a moral ***853** obligation existed on its part to redress the physical and emotional injuries of Cynthia Gamble sustained as a result of the negligence of a state agency. This voluntary recognition of its moral obligation by the legislature in this instance was based on its view of justice and fair treatment of one who had suffered at the hands of the state but who was legally remediless to seek damages. Chapter 80-448 is an act of grace to redress a wrong suffered by Cynthia at the hands of the state which is not otherwise legally compensable. In seeking to obtain relief for Cynthia by means of a private relief act, Ted Wells was not in a position to demand that the legislature grant compensation to Cynthia. He could only request that the legislature grant the compensation sought. The legislature then, as a matter of grace, could allow compensation, decide the amount of compensation, and determine the conditions, if any, to be placed on the appropriation.

[3][4] Parties cannot enter into a contract to bind the state in the exercise of its sovereign power. The legislature had the power to place the attorney's fee limitation in chapter 80-448. Wells, by the terms of his contingent fee contract with Gamble, could not deprive the legislature of this power. The legislature was in no way bound to pass legislation conforming with the provisions of the prior contingent fee contract.

Accordingly, we hold that chapter 80-448 is constitutional and reverse the decision of the district court. We remand with directions that the fee award be reduced to \$10,000.

It is so ordered.

BOYD, OVERTON, McDONALD and EHRLICH, JJ.,
concur.
SHAW, J., concurs in result only.
Fla., 1984.
Gamble v. Wells
450 So.2d 850

T. Legislative Claim Bills—A Practical Guide to a Potent(ial) Remedy

Legislative Claim Bills

A Practical Guide to a Potent(ial) Remedy

by D. Stephen Kahn

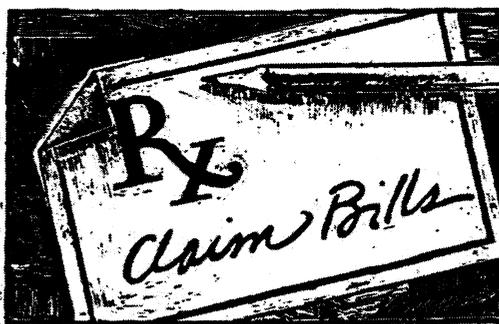
Legislative claim bills are an important, and often the exclusive, remedy for injured citizens whose claims are otherwise barred by the doctrine of governmental immunity.¹ A criticism of the claim bill system heard occasionally in the legislative halls is that access to this potentially potent remedy tends to be sporadic and unequal. If this is so, it is not because a majority of the members of the Florida Legislature are unresponsive to the needs of deserving constituents, but largely because relatively few attorneys are familiar with the availability and nature of the remedy, or if they are, then how to go about obtaining it. This article addresses that educational need.

Definition

A claim bill, also known as a relief bill, is a legislative measure that directs the Comptroller of Florida, or, if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation. Such obligations usually arise from the negligence of officers or employees of a state or local governmental agency.² The amount awarded is based on the legislature's concept of fair treatment of a person who has suffered injury or damages, but who is without a judicial remedy or who is not otherwise legally compensable.

Historic Background

Claim bills have their origin in the legal principle of sovereign



immunity, which in 1822, the Legislative Council of the Territory of Florida³ first declared to be in force as part of the common law of England.⁴ Under this principle, the king and his treasury were immune from suit by his subjects in his own courts. Therefore, in Florida, wrongs done by the state were to be compensable only by enactment of a legislative claim bill. In 1833, the Legislative Council enacted the first claim bill that specifically waived sovereign immu-

nity. The council devised a method to compensate Benjamin G. Thornton, one of the suppliers of labor and building materials for the territory's first permanent capitol building, for which the responsible territorial commissioner apparently refused or was unable to pay.⁵

Today, in keeping with modern trends, the legislature has provided that the state and its political subdivisions can be sued in court for negligence, but there is a \$100,000 per person or \$200,000 per incident limitation on the involuntary collectibility of any judgment against them.⁶ This current waiver statute, enacted in 1973, also requires a claimant to exhaust certain administrative remedies and to satisfy other procedural requirements.⁷ Absent an agreement to pay and insurance proceeds with which to do so, claims in excess of the statutory cap may be paid in part or in whole only by further act of the legislature.

Since 1973, claim bills have fallen into two general categories: (1) excess judgment tort claims, *i.e.*: the unsatisfied difference between the statutory dollar limits on collectibility and the full amount of the claimant's tort judgment against a governmental

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entity; and (2) equitable claims, i.e.: those not based on a final judgment, those based on a nontort final judgment, and those "moral" claims for which no legal cause of action exists.⁸

Sovereign Immunity and the Legislature

Although the 1868 Constitution first authorized the legislature, by general law, to waive the state's sovereign immunity,⁹ 100 years passed before the legislature experimented with a general waiver.¹⁰ That waiver, enacted in 1969, had no dollar cap, but was limited to a one-year period and excluded claims based on the performance of discretionary functions, on civil disturbances, and for punitive damages. In 1973, after it became clear that the one-year test period caused no calamitous raid on the public treasury, the current general waiver¹¹ was enacted, with the dollar limitations described above.

Three years later, the first excess judgment claim bill was introduced in the legislature.¹² It involved an allegedly improperly designed and maintained roadway. The respondent city had concluded that at the

imminent jury trial, it had potential exposure greatly in excess of \$415,000. In order to limit its exposure, the city had consented to entry of judgment against it in that amount with the condition that neither the city nor its carrier would ever have to pay more than \$50,000 of it.¹³ The legislature reduced the claim to a \$125,000 award, disregarded the limitation contained in the settlement agreement, and by law, directed the Comptroller to withhold \$125,000 from the respondent city's share of a revenue-sharing trust fund distribution and to pay it to the claimant.¹⁴ Now, a dozen years later, about two-thirds of all the claim bills that are enacted are based on excess judgments, and the legislature still shows no reluctance to reduce final judgments or to alter sources of payment when warranted.

Recent Trends in Legislative Claims and Awards

Although the total dollar amount sought per legislative claim bill generally has been increasing over the last 30 years because of inflation and the increase in the number of million dollar tort verdicts, the num-

ber of claim bills filed has been decreasing. In 1957, there were 68 claim bills filed of which 35 passed. In 1967, there were 61 claim bills filed of which 30 passed. In 1977, there were 60 claim bills filed of which 18 passed. In 1987, there were 24 claim bills filed of which 8 passed.

The intended effect of the current waiver of sovereign immunity has been achieved: to reduce the number of claim bills. In the most recent five-year period, the number of claim bills filed has stabilized at about 30 per year. Of all the claim bills filed in the last 10 years, an average of about 25 percent of them have passed both houses.

Recent Related Developments

State agencies or subdivisions can, by statute, purchase liability insurance for whatever amount of coverage they choose in anticipation of any claim, judgment, or claim bill which they may be liable to pay pursuant to law.¹⁵ Until recently, another statute provided that all governmental entities, except cities, that owned vehicles, buildings, or properties, or who "perform operations" could purchase liability insurance to cover liability for damages on ac-

count of bodily or personal injury or property damage they caused, and that immunity of the insured entity was waived to the extent of such insurance coverage.¹⁶ There were similar statutes for sheriff's departments, school districts, and the state university system.¹⁷

The Florida Supreme Court, in a significant 1986 decision, held that the two statutes, when read together, waived the sovereign immunity of the state, its agencies, and political subdivisions to the extent of their insurance coverage.¹⁸ Neither the otherwise valid defense that the functions that gave rise to the damages were discretionary or planning level functions, nor the statutory cap on collectibility, was applicable when there was insurance coverage.

Although governmental entities were protected in part by the \$100,000/\$200,000 cap, exposure remained to claim bill liability vastly in excess of those limits. To insure against this potential excess liability, entities could purchase insurance. In doing so, however, they had, under the 1986 interpretation of the applicable statutes, raised their general liability exposure to the extent of the limits of the insurance in effect. Ironically, prudence under one statute became imprudence under the other.

The 1987 Legislature responded to this dilemma by providing that a governmental entity would not be deemed to have waived any defense of sovereign immunity, or to have increased its limits of liability, as a result of obtaining insurance coverage for tortious acts in excess of the applicable statutory cap on collectibility.¹⁹ The law further provided that a state agency or a political subdivision of the state could agree, within the limits of their existing insurance coverage, to settle and pay a claim made or a judgment rendered against it, without further action by the legislature. The probable impact of this law will be to reduce further the number of legislative claim bills filed.

Practice Points

With the foregoing background, the following practice points are offered as a primer to guide practitioners who are entering unfamiliar waters.

Practice Point 1: A variety of categories of claim bills tend to get dashed on the legislative rocks: stale claims, claims on which an applicable statute of limitation has run;²⁰ claims that have received an unfavorable committee vote on the merits in a prior legislative session; claims cogniza-

ble in court but on which suit has not yet been brought; claims cognizable in court and on which suit has been brought but has not yet been concluded; claims in which laches would be a bar in court because of a claimant's inexcusable inactivity (especially when the delay unduly inhibits the agency's ability to gather evidence or witnesses necessary to preparing a defense); claims brought by a claimant who seeks special treatment as only one of a large class of similarly situated persons; claims that seek the retroactive or isolated application of or relief from a general law;²¹

The legislature generally views all claim bills, especially equitable claim bills, as a claimant's last resort. If alternative sources of recovery exist, then the alternatives must first be fully exhausted

certain personal injury claims that, under legislative custom, nevertheless abate upon the death of the claimant when the death is unrelated to the injury giving rise to the personal injury claim;²² and finally, claims by one governmental entity against another seeking to address their intergovernmental fiscal relationship that could be handled more appropriately in the General Appropriations Bill.

Accordingly, counsel should resist giving a claimant any elevated expectations of success when the potential claim bill carries one or more of these historically fatal elements.

Practice Point 2: The legislature generally views all claim bills, especially equitable claim bills, as a claimant's last resort. If alternative sources of recovery exist, such as workers' compensation or third party liability coverage, then the alternatives must first be fully exhausted. If the case is still in court, then appellate review, if any, must be completed before either house will consider a claim bill on the matter. In fact, only a very small portion of tort claims

made against the State of Florida end up as legislative claim bills. The Florida Tort Claims Act²³ sets up a mandatory procedure for attempted administrative resolution of all tort claims against state agencies.

Practice Point 3: Although access to the claim bill system is easier than generally perceived, the client's claim becomes a legislative claim bill only after a member of the legislature has signed and formally introduced the claim bill. Many members of the legislature will, simply if asked, agree to sponsor a constituent's claim bill if: (1) the case is demonstrably meritorious; (2) the legislator has not already filled his or her legislative plate for the next regular legislative session; and (3) the legislator is not, as some few are, philosophically opposed to all claim bills, a situation that becomes apparent at the time of the initial inquiry to the legislator or aide.

If the legislator is philosophically opposed to claim bills, then another member of the constituent's legislative delegation can be asked, perhaps one from the other house. Legislators are generally candid about their personal philosophical position on claim bills. Counsel are admonished to tell the legislator the entire story at the outset, including the substance of any known defects in the client's case, whether or not the defense is expected to raise them.

Practice Point 4: After a legislator agrees to sponsor the client's claim bill, the attorney should provide the legislator with a basic package of documents that the member can submit to the Legislative Bill Drafting Office in Tallahassee. These documents should include a one or two-page narrative description of the essential facts that give rise to the claim and copies of the basic pleadings from the underlying court case, if any. It is not necessary to prepare the claim in legislative bill format. The legislator will forward the basic information to Tallahassee where a legislative staff attorney will draft the bill. Accident reports, incident or investigative reports, extensive medical and hospital records, trial transcripts, depositions, photographs, diagrams, or other items of demonstrable evidence are not necessary to submit at this initial stage. They will be needed, however, for the special master's hearing. Companion bills, which are identical bills filed in the same year in both houses, are usually not necessary.

Practice Point 5: If the tortfeasor is a municipality, county government, sheriff, school board, or local district, then the

claim bill will have to meet the requirements of a local bill for which the constitution²⁴ and statutes²⁵ provide special notice requirements. Unless the local bill contains a referendum provision, which they seldom do, a notice of intention must be advertised at least 30 days prior to formal introduction of the claim bill. It is the claimant's, not the sponsor's, obligation to comply with this requirement and to produce an acceptable proof of publication affidavit.²⁶ There is no precise format required for the advertisement. Most newspaper publishers can provide a sample.

Except in highly extraordinary and infrequent circumstances, the legislature rejects all requests to pay from the state's general revenue fund all or part of a claim against a local governmental entity.

Practice Point 6: Claim bills are no longer enacted on a courtesy basis without a hearing or a consideration of the merits. A special master's hearing, quasi-judicial in nature, is required on every claim bill by Senate Rule²⁷ and House Standing Order²⁸ after the bill is formally filed for introduction and referred by the presiding officer or committee chairman. Only in a very few cases that are the legislative equivalent

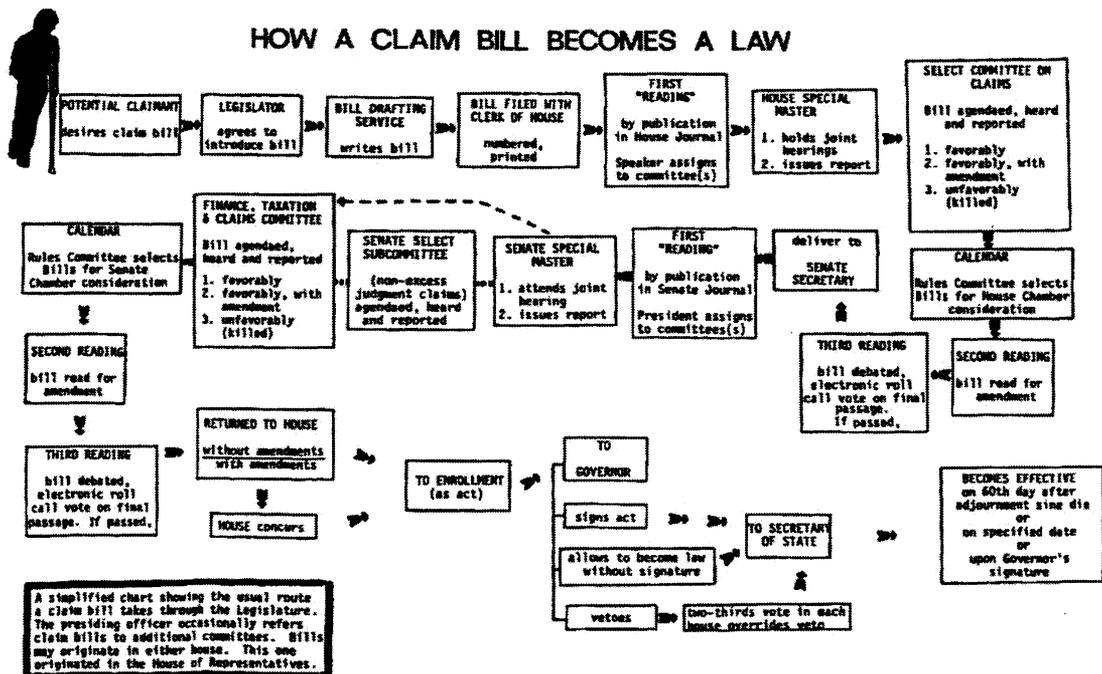
of summary or uncontested small claims, will the special master waive the fact-finding hearing requirement. The special master for the house in which the claim bill is first filed usually takes primary jurisdiction in the subsequent bicameral hearing process.

The time and place of all special masters' hearings are set by the controlling special master, usually after consultation with counsel for all parties. These hearings are usually attended also by the special master from the opposite house so that one fact-finding hearing is adequate to serve the needs of both houses. Hearings are usually held, pursuant to reasonable notice, between January 1 and April 1 of each year and, absent extraordinary circumstances, are not held during the annual 60-day regular session of the legislature. Prehearing discovery is available. Florida Rules of Civil Procedure 1.280-1.410 are used as a guide. Parties are requested to accommodate each other's reasonable discovery requests informally, without the need for legislative intervention. The special master and other appropriate legislative staff are available to assist with procedural questions or discovery problems.

A prehearing conference is usually held in each case either on a separate day, or, more commonly, just before the hearing on the merits. At this conference, motions may be made; documents and exhibits will be marked and offered into evidence; the witnesses will be identified; and the issues clarified. Stipulations of fact are encouraged. Organized, labeled, and indexed presentation folders are appreciated and are usually accepted by the special master without objection.

At the hearing, the special master requests both sides to make a brief opening statement which, along with the evidentiary portion of the hearings, are tape recorded. There is no stenographic record made. The claimant goes first, offering testimony, documents, and any physical evidence necessary to establish the case. It is always desirable to have the claimant and any principal or critical witnesses testify in person. Deposition testimony or trial records can be substituted for some witness testimony. Medical and other expert testimony can usually be presented by videotape. Witnesses are sworn and subject to cross-examination.

The respondent agency or officer then



presents a defense, following the customary order of proof. Instances of sharply conflicting eyewitness testimony and even an occasional "battle of experts" are not uncommon in the claim bill hearing process. It is the duty of each special master, independently, to weigh the testimony and to resolve the conflicts. The parties are allowed to present closing arguments, usually by subsequent written memoranda, if they so desire. Parties may supplement the record after leave to do so is given by the special master. Leave is freely given. Copies of all documents offered into evidence at the hearing or filed later with the special master must be timely served, in the customary manner, on opposing counsel.

Practice Point 7: Although legislative procedure requires a redetermination of liability and damages from the first dollar because the expenditure of public funds is involved, and although each claimant again has the burden of proof and the burden of going forward even if armed with an underlying judgment, negligence claims arising from verdict-based excess judgments usually are treated more generously as a class by the legislature than are other claims. There usually must be a cogent reason why a verdict-based judgment would not be paid; however, even verdict-based excess judgments may be made subject to payment structuring, payment source modification, or reduction in amount if the legislature perceives that the verdict was based on undue sympathy or prejudice, or contains elements of unwarranted general or punitive damages, whether or not so labeled. Because governmental agencies occasionally settle cases against them for reasons not directly related to the merits of the claim, consent-based judgments are scrutinized carefully by the special master, by the legislative committees, and by both houses of the legislature, to ensure that independently developed facts exist to support the judgment and to justify the award.

While only 40 percent of the claim bills filed in recent years have been based on excess judgments, excess judgment-based bills comprised two-thirds of the claim bills that have passed both houses in the same period. Of these two-thirds, the ones based on jury verdicts and shown to be otherwise meritorious, historically and statistically, have stood the best chance of passage into law.

Practice Point 8: After the special master's hearing is conducted, each special master prepares an independent, detailed, written report including findings of fact, a reso-

lution of conflicting testimony and evidence, conclusions of law, and advisory recommendations. Copies are provided to the sponsor of the bill and to all counsel of record, so that any counsel who desires to do so can file objections or exceptions to the report before the time of the committee hearings.

Practice Point 9: After the special master's hearing is concluded, claim bills, like any other legislative bills, can be lobbied through personal, telephonic, or written contact with any or all members of the legislature by any interested person including proponents, opponents, claimants, respondents, attorneys, or agents for any of them, as long as the applicable lobbying statute²⁹ and rules³⁰ are strictly complied with.

Once a legislative committee meeting is set, and a claim bill is agendaed, opportunity for a party or attorney to plead a case directly at that meeting is usually limited to 10 or 15 minutes per side, and even this brief opportunity is often interrupted by volleys of questions

Practice Point 10: After the special master's hearing is concluded and a report filed, each claim bill is, at the discretion of the committee chair, agendaed, considered, and then voted on by legislative committees of reference. In the Senate, it is the Committee on Finance, Taxation and Claims, and also a subcommittee thereof if the claim is an equitable claim, and any additional committee directed by the president of the Senate.

In the House of Representatives, it is the Select Committee on Claims and the House Appropriations Committee, if so directed by the speaker. Please inquire with the secretary of the Florida Senate and clerk of the Florida House of Representatives to determine the specific committee assignments given to the claim bill, because the rules and procedures governing bill references are modified from time to time.

During the often hectic concluding portions of each annual regular legislative session when claim bills are customarily con-

sidered by legislative committees, formal notice times are often truncated. It is the responsibility of each party to a claim bill or their counsel to keep track of the status of their claim bill at all times. As a courtesy, legislative staff will attempt to give the parties advance telephonic notice of the dates and times of applicable committee meetings, but it is not the legislative staff's responsibility to do so. In other words, be attentive to the daily printed calendars in both houses.

Once a legislative committee meeting is set, and a claim bill is agendaed, opportunity for a party or attorney to plead a case directly at that meeting is usually limited to 10 or 15 minutes per side, and even this brief opportunity is often interrupted by volleys of questions from committee members. In short, a full presentation should be made to the special master, not to the committee. What little time available before each committee is best spent in a very brief statement of the facts and attorney's view of the contested legal issues. A copy of the special master's report will have been furnished to each member of the committee by the committee staff director prior to the committee meeting. The special master is ordinarily called upon to make a brief appearance, to address the parties' policy arguments, and to make his own recommendations. A committee can consider any evidence, arguments, or policy matters that may be relevant or persuasive in the legislative forum, but which may have been excluded at trial because of a rule of evidence.

Practice Point 11: Satisfaction and releases can be a trap for the unwary. A release or satisfaction given by a claimant at the time the initial, underlying payment is received from a respondent governmental agency or its carrier should clearly address the subsequent relief, if any, to be sought from the legislature. Furthermore, every claimant should insist that any settlement agreement or release for less than the full amount of the judgment provides explicitly, in writing, precisely what the respondent agency's position will be, if and when a subsequent claim bill is introduced. For example, an agency may agree to join in a request for passage of the bill, agree to the bill's passage, agree not to contest it, agree to stand silent, agree to contest damages but not liability, or, reserve the right to contest all issues.

Claimants who execute unconditional releases, without reservation, should not expect to receive additional funds via the legislature. They have released the respondent

governmental agency from both the legal and equitable obligation to pay more.

Practice Point 12: The legislature favors structured payments and guaranteed-term annuities in large claims, in claims involving small or economically hard-pressed local governmental entities,³¹ and in claims on behalf of those who have suffered serious and permanent injuries that are likely to require substantial or long term medical care. Funds appropriated to or for the benefit of a minor or an incompetent person will be paid only to a properly constituted guardianship estate, in which subsequent disbursements can be made under the direct supervision of the circuit court.

Practice Point 13: Services of a competent, well prepared attorney are usually help-

Enactment of a claim bill is, by design, a deliberative, often unpredictable process that has no binding time standards

ful to a claimant, but legal representation is not an absolute necessity for success in the claim bill process. There have been claimants who have been able to guide their own claim bills through the legislative process successfully, without legal representation. Attorney's fees are a matter of contract between the claimant and attorney, subject to the usual ethical considerations,³² the statutory 25 percent rule³³ and the legislature's prerogative to reduce the percentage in appropriate cases.³⁴

Conclusion

Many plaintiffs are greatly dismayed when they learn that the long journey that they have traveled through trial, judgment, and possibly appeal, presents them with yet another entire course of hurdles to clear prior to receiving payment in full. Enactment of a claim bill is, by design, a deliberative, often unpredictable process that has no binding time standards.

On April 26, 1923, an unwary business

visitor to the Capitol in Tallahassee fell 30 feet into an open and dark freight elevator shaft, the door to which was apparently left open by a negligent state employee. The claimant sustained "very grave and serious injury."³⁵ The legislature enacted a \$1,000 claim bill that was signed into law only 43 days after the incident. On the other hand, remember Benjamin G. Thornton, the unfortunate fellow who agreed to build Florida's first permanent capitol? His claim bill was first considered on February 17, 1833, but because of the novelty of the procedure, the territorial government's apparent inability to pay him, and intervening litigation, the amount of his claim was not finally determined and paid until January 6, 1847. Mr. Thornton waited 14 years to get his \$2,500.

For some, the claim bill system can resolve a claim bill quickly.³⁶ For others, the process can take much longer, as two current claimants, whose series of 18 claim bills have been under legislative consideration for over 10 years, now know.³⁷ Every potential claimant's attorney must approach the evolving claim bill process with patience and at least a general understanding of how legislation is enacted. Claim bills, a potentially potent remedy, were first addressed in the 1885 Constitution.³⁸ Over a century later, the Florida Legislature is still debating their proper role. □

¹ Gerard v. Department of Transportation, 472 So.2d 1170 (Fla. 1985).

² This article does not address payment of claims arising out of federal civil rights violations. Such claims against the state are currently handled by the Division of Risk Management of the Florida Department of Insurance, or, if made against a local governmental entity, by that entity's risk management system. Neither does this article address the Florida Supreme Court's substantial role in modifying the common law rule of governmental immunity. The reader is directed to several comprehensive explanations of this historical development contained in Cauley v. City of Jacksonville, 403 So.2d 379 (Fla. 1981); Trianon Park Condominium Association v. City of Hialeah, 468 So.2d 912 (Fla. 1985); and *Sovereign Immunity*, LX, Fla. B.J. 41 (April 1986).

³ An act of the Legislative Council, approved September 2, 1822, currently codified in Fla. STAT. §2.01, (1987).

⁴ Russell v. The Men of Devon, 100 Eng. Rep. 359 (1788).

⁵ An Act for the Relief of Benjamin G. Thornton and Jesse H. Willis, Acts of the Legislative Council, Ch. 738, No. 81 (1833).

⁶ Fla. STAT. §768.25(5) (1987).

⁷ Fla. STAT. §768.25(6) & (7) (1987).

⁸ Dickinson v. Board of Public Instruction of Dade County, 217 So.2d 553, 560 (Fla. 1968).

⁹ Fla. CONST. art. IV, §19 (1868).

¹⁰ Ch. 69-116, Laws of Fla. (1969).

¹¹ Ch. 73-313, Laws of Fla. (1973).

¹² House Bill 450 (1977); Claim of Huddleston.

¹³ Huddleston v. City of Coral Gables, Case No. 76-4193(21), (Fla. 11th Cir. Ct., 1976).

¹⁴ Ch. 77-479, Laws of Fla. (1977).

¹⁵ Fla. STAT. §768.28(13) (1987).

¹⁶ Fla. STAT. §286.28 (1985), repealed effective July 1, 1987 by Ch. 87-134, Laws of Fla.

¹⁷ Fla. STAT. §30.55(2) (1985); Fla. STAT. §230.23(9)(d) (1985); and Fla. STAT. §240.213(2) (1985); all repealed effective July 1, 1987, by Ch. 87-134, Laws of Fla. (1987).

¹⁸ Avallone v. Board of County Commissioners of Citrus County, 493 So.2d 1002 (Fla. 1986).

¹⁹ Ch. 87-134, Laws of Fla. (1987).

²⁰ Fla. STAT. §11.065(1) (1987); but see 1955 Op. Att'y Gen. Fla. 055-82 (April 14, 1955); Fla. STAT. §768.28(11) (1987).

²¹ House Bill 394 (1986); Claim of Cobo Company, Inc.

²² Senate Bill 483 (1986); Claim of Minnis.

²³ Fla. STAT. §768.28 (1987).

²⁴ Fla. CONST. art. III, §10 (1968).

²⁵ Fla. STAT. §§11.02, 11.065 (1987).

²⁶ Fla. STAT. §11.03 (1987).

²⁷ Senate Rule 4.8 (1987), as amended May 25, 1987, Senate Journal, Fla. Senate, 1987, p. 413.

²⁸ Journal, Fla. House of Representatives, 1984, Dec. 6, pp. 3-4.

²⁹ Fla. STAT. §11.045 (1987).

³⁰ Senate Rule 9 (1986-1988); House Rule 13, (1986/1988).

³¹ Ch. 84-73, Laws of Fla. (1984); Claim of Davis.

³² DR 2-106, Fla. Bar Canon 2.

³³ Fla. STAT. §768.28(8) (1987).

³⁴ Ch. 80-488, Laws of Fla. (1980); Claim of Gamble; see also Gamble v. Wells, 450 So.2d 850 (Fla. 1984)

³⁵ Ch. 9190, Laws of Fla. (1923); Claim of Wells.

³⁶ For example, Senate Bill 1326 (1986), Claim of Miller, was enacted and became Ch. 86-374, Laws of Fla. (1986), within 38 days after it was first filed in the Florida Senate, however, the claim had received substantial legislative review prior to being filed.

³⁷ Senate Bill 1264 (1977), Senate Bill 16 (1978), House Bill 353 (1978), Senate Bill 101 (1979), House Bill 1265 (1979), Senate Bill 514 (1980), House Bill 9 (1980), House Bill 1456 (1980), Senate Bill 184 (1981), Senate Bill 900 (1983), House Bill 834 (1983), Senate Bill 246 (1984), House Bill 93 (1984), House Bill 417 (1985), Senate Bill 160 (1986), House Bill 129 (1986), Senate Bill 199 (1987), and House Bill 109 (1987); Claims of Pitts and Lee.

³⁸ Fla. CONST. art. XVI, §11, Fla. Const. (1885).

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**Detailed Claim Bill Report
2008 Legislative Session**

HB	H Sponsor	SB	S Sponsor	CLAIMANT/RESPONDENT	CASE DESCRIPTION	AMOUNT SOUGHT	HOUSE/SENATE AMOUNT	FINAL ACTION
7037/1	PBC & Sansom/Garcia	12	Aronberg	Alan Jerome Crotzer v. State of Florida	wrongful imprisonment	\$ 1,250,000.00	\$ 1,250,000.00	HB Passed (ch. 08-259)
355	Taylor	14	Margolis	Dr. Sherill Lynn Aversa v. Dept. of Transportation	motor vehicle crash wrongful death	\$ 697,500.00	\$ -	Bill Died
767	Seiler	16	Crist	Kamel & Dimitri v. Palm Beach County	wrongful death school shooting	\$ 360,000.00	\$ -	Bill Died
n/a	n/a	18	Atwater	Laura D. Strazza v. Dept. of Agriculture & Consumer Services	motor vehicle crash	\$ 882,322.00	\$ -	Bill Died
469	Machek	20	Hill	Stephen Hall v. Dept. of Transportation	motor vehicle crash personal injury	\$ 388,000.00	\$ -	Bill Died
n/a	n/a	22	Hill	Defendants of Mrs. Johnie Mae Chappell v. State of Florida	civil rights		\$ -	Bill Died
n/a	n/a	24	Jones	Joseph G. Donahey, Jr & Tena Donahey v. Board of Regents, State of Florida	negligence personal injury	\$ 1,500,000.00	\$ -	Bill Died
n/a	n/a	26	Siplin	Estate of Angelica Hernandez & Stacie Wagner v. Orange County Fire Dept.	motor vehicle crash personal injury	\$ 800,880.00	\$ -	Bill Died
479	Bucher	28	Aronberg	J. Rae Hoyer v. Collier County	wrongful death jailhouse homicide	\$ 1,129,042.00	\$ -	Bill Died
451	Meadows	30	Lawson	Eddie Weekley & Charlotte Williams v. Agency for Persons with Disabilities (State of Florida)	negligence disappearance & death	\$ 1,000,000.00	\$ -	Bill Died
303	Richardson	32	Lawson	Dennis Darling, Sr. and Wendy Smith, parents of Devaughn Darling v. Florida State University	wrongful death football accident	\$ 1,800,000.00	\$ -	Bill Died
201	Mayfield	34	Lawson	Laura Laporte v. Dept of Agriculture & Consumer Affairs	motor vehicle crash personal injury	\$ 5,500,648.00	\$ 4,000,000.00	SB Passed (ch. 08-257)
255	Scionti	36	Joyner	Dennis & Diana Gay v. Dept. of Transportation	negligence personal injury	\$ 700,000.00	\$ -	Bill Died
483	Skidmore	38	Deutsch	Miller & Brown v. Memorial Healthcare System d/b/a Memorial Regional Hospital	Personal injury due to negligence of hospital	\$ 300,000.00	\$ 300,000.00	SB Passed (ch. 08-280)
1039	Lopez-Cantera	40	Wilson	Maria & Jorge Gough (parents of Jaime Gough a minor) v. Miami-Dade County School Board	wrongful death school homicide	\$ 1,000,000.00	\$ 1,000,000.00	SB Passed (ch. 08-261)
481	Murzin	42	Hill	Rhonda A. Hughes v. Escambia County	Personal injuries due to EMT negligence	\$ 100,000.00	\$ -	Bill Died
n/a	n/a	44	Posey	Karen W. Stripling v. Dept. of Education	damages as a result of breach of contract	\$ 2,720,000.00	\$ -	Bill Withdrawn
443	Coley	46	Lawson	Dawn and Rick Amora, parents of Marissa v. Dept. of Children & Families	negligence personal injury	\$ 26,849,849.08	\$ 1,200,000.00 (plus future budget requests)	HB Passed (ch. 08-258)

U. Detailed Claim Bill Reports (1997 – 2008)

**Detailed Claim Bill Report
2008 Legislative Session**

HB	H Sponsor	SB	S Sponsor	CLAIMANT/RESPONDENT	CASE DESCRIPTION	AMOUNT SOUGHT	HOUSE/SENATE AMOUNT	FINAL ACTION
915	Nehr	48	Aronberg	Pierreisna Archille (and Patrick Weber, Limited Guardian of Property) v. Dept. of Children & Families	negligence personal injury	\$ 1,200,000.00	\$ -	Bill Died
765	Seiler	50	Baker	Lisa Freeman-Salazar & Andy Salazar v. City of Lake Worth	motor vehicle crash stop sign personal injury wrongful death	\$ 342,208.00	\$ 342,208.00	SB Passed (ch. 08-262)
n/a	n/a	52	Baker	Timothy and Theresa Ann Kulik v. Dept. of Highway Safety & Motor Vehicles	motor vehicle crash personal injury	\$ 1,460,500.00	\$ -	Bill Died
1223	Thompson	54	Joyner	Desnar and Mignone Decembre, parents of Daniel Decembre v. Orange County School Board	negligence, dog attack damages and injuries	\$ 1,800,000.00	\$ 1,800,000.00	SB Passed (ch. 08-263)
1539	Lopez-Cantera	56	Aronberg	Jeanne Coicou parent of Schneidine Theogene v. Miami Dade County	negligence injuries	\$ 2,400,000.00	\$ 2,400,000.00	SB Passed (ch. 08-264)
409	Llorente	58	Villalobos	Luis Diaz v. State of Florida	wrongful imprisonment	\$ 5,000,000.00	\$ -	Bill Died
183	Jenne	60	Ring	Luz Fuentes and Jose Fuentes parents of Adrian Fuentes v. South Broward Hospital District d/b/a. Memorial Hospital Primary Care Center	negligence injuries and damages	\$ 1,600,000.00	\$ 1,600,000.00	SB Passed (ch. 08-265)
763	Culp	62	Fasano	Amie Draiemann Stephenson v. Dept. of Transportation	motor vehicle crash wrongful death	\$ 1,092,040.00	\$ -	Bill Died
787	Flores	64	Diaz de la Portilla	Brian Daiagi v. South Florida Water Management District	negligence injuries	\$ 4,008,616.63	\$ 3,908,616.63	HB Passed (ch. 08-269)
1079	Domino	66	Atwater	Jorge and Debbie Garcia-Bengochea, adoptive parents of Brian, Matthew, and James v. Dept. of Children & Families	injuries and damages as a result of negligence	\$ 9,500,000.00	\$ -	Bill Died
875	Llorente	68	Dean	Gina and Mark Giblin parents of Tyler Giblin v. Marion County Hospital District	negligence injuries	\$ 700,000.00	\$ 700,000.00	SB Passed (ch. 08-266)
n/a	n/a	70	Lawson	Estate of Willie Police, Jr. v. City of Belle Glade	personal injury shooting	\$ 381,649.00	\$ -	Bill Died
n/a	n/a	72	Aronberg	Daniel and Amara Estrada, parents of Caleb Estrada v. University of South Florida Board of Trustees	negligence wrongful birth damages	\$ 21,197,700.00	\$ -	Bill Withdrawn

**Detailed Claim Bill Report
2007 Legislative Session**

HB	H SPONSOR	SB	S SPONSOR	CLAIMANT/RESPONDENT	CASE DESCRIPTION	AMOUNT SOUGHT	HOUSE/SENATE AMOUNT	FINAL ACTION
181	Machek	22	Hill	<i>Stephen Hall v. Dept. of Transportation</i>	motor vehicle crash personal injury	\$388,000		Bill Died
1423	Fields	24	Hill	<i>Defendents of Mrs. Johnie Mae Chappell v. State of Florida</i>				Bill Died
673	Chestnut	26	Lawson	<i>Doretta Spurway v. HSMV</i>	negligence personal injury	\$221,942		Bill Died
na	n/a	28	Lawson	<i>Dennis Darling, Sr. and Wendy Smith, parents of Devaughn Darling v. Florida State University</i>	football accident wrongful death	\$1,800,000		SB withdrawn
189	Mayfield	30	Lawson	<i>Laura Laporte v. Dept of Agriculture & Consumer Affairs</i>	motor vehicle crash personal injury	\$5,500,648		Bill Died
1135	Seiler	32	Fasano	<i>Sharon Jurgrau v. South Broward Hospital District</i>	hospital malpractice wrongful death	\$500,000	\$500,000	SB PASSED (ch. 07-262)
1109	Legg	34	Fasano	<i>Amie Draiemann Stephenson v. Dept. of Transportation</i>	motor vehicle crash wrongful death	\$1,116,940		Bill Died
1321	Seiler	36	Crist	<i>Kamel & Dimitri v. Palm Beach County</i>	school shooting wrongful death	\$360,000		Bill Died
1021	Hasner	38	Jones	<i>Adam Susser v. North Broward Hospital District</i>	negligence/hospital malpractice wrongful death	\$668,781	\$668,781	SB PASSED (ch. 07-263)
933	Kiar	40	Atwater	<i>Laura D. Strazza v. Dept. of Agriculture & Consumer Services</i>	Motor Vehicle Crash	\$882,322		Bill Died
613	Bucher	42	Aronberg	<i>J. Rae Hoyer v. Collier County</i>	jailhouse homicide wrongful death	\$1,129,042		Bill Died
1291	Mahon	44	Aronberg	<i>Verlin Weaver v. City of Fernandina Beach</i>	motor vehicle crash personal injury	\$400,000	\$400,000	SB PASSED (ch. 07-264)
1147	Schenk	46	Campbell	<i>Christina Alvarez & George Patnode v. Martin County</i>	hospital malpractice wrongful death	\$2,400,000		Bill Died
155	Seiler	48	Aronberg	<i>Claudia and Jeffrey Kautz v. Palm Beach County</i>	school bus collision wrongful death	\$900,000	\$900,000	SB PASSED (ch. 07-265)
1327	Garcia	50	Aronberg	<i>Alan Jerome Crotzer v. State of Florida</i>	wrongful imprisonment	\$1,250,000		Bill Died
593	Thuston	52	Rich	<i>Minouche Noel v. Dept. of Health</i>	medical malpractice personal injury	\$8,500,000	\$8,500,000	HB PASSED (ch. 07-261)
109	Taylor	54	Margolis	<i>Dr. Sherill Lynn Aversa v. Dept. of Transportation</i>	motor vehicle crash wrongful death	\$650,000		Bill Died
915	Seiler	56	Margolis	<i>Katherine Selva and Maria Alcobar (parent) v. City of Miami</i>	hospital/medical malpractice	\$2,425,000	\$2,425,000	SB PASSED (ch. 07-266)

**Detailed Claim Bill Report
2007 Legislative Session (cont'd)**

HB	H SPONSOR	SB	S SPONSOR	CLAIMANT/RESPONDENT	CASE DESCRIPTION	AMOUNT SOUGHT	HOUSE/SENATE AMOUNT	FINAL ACTION
n/a	n/a	58	Hill	<i>Betty Obenza v. Duval County</i>	motor vehicle crash personal injury	\$156,556		SB Withdrawn
365	Long	60	Jones	<i>Joseph G. Donahey, Jr & Tena Donahey v. Board of Regents, State of Florida</i>	negligence personal injury	\$1,500,000		Bill Died
623	Randolph	62	Siplin	<i>Estate of Angelica Hernandez & Stacie Wagner v. Orange County</i>	motor vehicle crash personal injury	\$800,880		Bill Died
1189	Legg	64	Siplin	<i>Donna Sofka v. Polk County</i>	motor vehicle crash personal injury	\$600,000		Bill Died
955	Skidmore	66	Baker	<i>Timothy and Theresa Ann Kulik v. Dept. of Highway Safety & Motor Vehicles</i>	motor vehicle crash personal injury	\$1,460,500		Bill Died
1619	Seiler	68	Baker	<i>Lisa Freeman-Salazar & Andy Salazar v. City of Lake Worth</i>	motor vehicle crash stop sign personal injury wrongful death	\$342,208		Bill Died
293	Seiler	70	Posey	<i>Anthony John Angelillo v. Miami-Dade County</i>	motor vehicle crash w/LEO personal injury	\$250,000	\$250,000	SB PASSED (ch. 07-267)
611	Bucher	72	Aronberg	<i>Jennifer Graham v. Palm Beach County Sheriff's Office</i>	motor vehicle crash w/LEO personal injury	\$850,000	\$850,000	SB PASSED (ch. 07-268)
897	Peterman	74	Wilson	<i>Estate of Brooke Ingoldsby & Michelle Allen & Pinellas County</i>	motor vehicle crash wrongful death	\$1,300,000	\$1,300,000	SB PASSED (ch. 07-269)
1043	Bendross-Mindingall	76	Margolis	<i>Claude Tunc and Martine Tunc v. City of Miami</i>	beach accident wrongful death	\$1,300,000	\$1,300,000	SB PASSED (ch. 07-270)
1045	Bendross-Mindingall	78	Diaz de la Portilla	<i>Maria & Jorge Gough (parents of Jaime Gough a minor) v. Miami-Dade County School Board</i>	school homicide wrongful death	\$1,000,000		Bill Died
629	Bullard	80	Diaz de la Portilla	<i>Norka Laureiro v. Miami-Dade County</i>	motor vehicle crash personal injury shoulder strap on	\$1,000,000	\$999,100	SB PASSED (ch. 07-271)
901	Gibbons	82	Bullard	<i>Jose Pena v. City of Hialeah</i>	motor vehicle crash wrongful death/personal injury	\$1,101,061		Bill Died
1101	Thurston	84	Dawson	<i>Estate of Willie Police, Jr. v. City of Belle Glade</i>	shooting personal injury	\$381,649		Bill Died
237	Pickens	486	Oelrich	<i>Sheryl & George Allen v. City of Tallahassee</i>	Personal injury due to negligence of city (parade)	\$775,000	\$775,000	SB PASSED (ch. 07-272)
753	Skidmore	504	Deutsch	<i>Miller & Brown v. Memorial Healthcare System d/b/a Memorial Regional Hospital</i>	Personal injury due to negligence of hospital	\$300,000		Bill Died
n/a	n/a	2968	Hill & others	<i>Martin Lee Anderson Estate v. Dept. of Juvenile Justice</i>	wrongful death	\$5,000,000	\$4,800,000	SB PASSED (ch. 07-57)

**Detailed Claim Bill Report
2006 Legislative Session**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
	SB 30 Lawson	Doretta Spurway v. Dept. Highway Safety & Motor Vehicules <i>(Personal Injury/Negligence)</i>	\$221,942	\$0	Died in Rules and Calendar
HB 289 Richardson	SB 32 Lawson	D. Darling & W. Smith v. FSU <i>(Negligence Florida State University)</i>	\$1,800,000	\$0	Died in Claims
HB 623 Taylor	SB 34 Margolis	Estate of Dr. Sherrill Lynn Aversa v. Dept. of Transportation <i>(Negligence MVA - ladder fell off truck)</i>	\$697,500	\$0	Died in Claims
HB 383 Barreiro	SB 36 Margolis	Claude & Martine Tunc v. City of Miami Beach <i>(Negligence City of Miami Beach)</i>	\$1,300,000	\$0	Died in Justice Council
HB 215 Smith	SB 38 Campbell	Minouche Noel v. Dept. of Health <i>(Medical Malpractice)</i>	\$8,500,000	\$0	Died in Messages
HB 677 Machek	SB 40 Campbell	Stephen Hall v. Dept. of Transportation <i>(Negligence, DOT employee)</i>	388,000	\$0	Died in Claims
HB 1613 Domino	SB 42 Campbell	Monica Davis v. Palm Beach County School District <i>(Negligence)</i>	\$173,416	\$0	Died in Claims
HB 799 Bullard	SB 44 Diaz de la Portilla	Norka Laureiro v. Miami-Dade County <i>(Collision caused by Miami-Dade County bus)</i>	\$1,000,000	\$0	Died in Justice Council
HB 895 Arza	SB 46 Diaz de la Portilla	Maria & Jorge Gough parents of son Jaime <i>(Wrongful Death) Miami-Dade County School Board</i>	Payment of Damages	\$0	Died in Claims
HB 107 Pickens	SB 48 Lynn	Sheryl & George Allen <i>(Negligence of City of Tallahassee employee)</i>	\$775,000	\$0	Died in Justice Council
HB 1159 Mayfield	SB 50 Clary	Laura Laporte v. Dept. of Agriculture and Consumer Services <i>(Negligence)</i>	\$5,500,648	\$0	Died in Claims
	SB 52 Campbell	Christina Alvarez & George Patnode <i>(Medical Malpractice Martin County Health Dept.)</i>	\$2,400,000	\$0	Withdrawn Prior to Introduction
HB 115 Rice	SB 54 Jones	Judge Joseph & Tena Donahey <i>(Medical Malpractice State of Florida)</i>	\$1,500,000	\$0	Died in Claims
HB 525 Stargel	SB 56 Siplin	Donna Sofka v. Polk County <i>(Negligence Polk County)</i>	\$600,000	\$0	Died in Claims
HB 853 Negron	SB 58 Jones	Adam Susser v. Broward County <i>(Medical Malpractice North Broward Hospital District)</i>	\$668,782	\$0	Died in Justice Council
HB 877 Seiler	SB 60 Fasano	Sharon & Megan Jurgrau <i>(Medical Malpractice South Broward Hospital District)</i>	\$500,000	\$0	Died in Justice Council
HB 845 Mahon	SB 62 Aronberg	Verlin Weaver v. City of Fernandina Beach <i>(Negligence by employee of City of Fernandina Beach)</i>	\$400,000	\$0	Died in Justice Council
HB 315 Bucher	SB 64 Aronberg	Jennifer Graham <i>(Negligence of deputy sheriff of Palm Beach County Sheriff's Office)</i>	\$850,000	\$0	Died in Justice Council
	SB 66 Aronberg	J. Rae Hoyer v. Collier County <i>(Negligence on part of Sheriff of Collier County)</i>	\$1,129,042	\$0	Died in Rules and Calendar
	SB 68 Bennett	Charles Pandrea (Death of wife Janet Pandrea) <i>(Negligence of North Broward Hospital District)</i>	\$608,555	\$0	Withdrawn Prior to Introduction
HB 863 Kottkamp	SB 70 Campbell	A. John & A. Jacob Angelillo <i>(Negligence of Miami-Dade County)</i>	\$250,000	\$0	Died in Justice Council
	SB 72 Haridopolos	Wilton Dedge & parents Walter & Mary Dedge <i>(Wrongful Imprisonment)</i>	Amt. left blank in SB	\$0	Died in Rules and Calendar
HB 309 Gibson, A.	SB 74 Hill	Betty Obenza v. Duval County <i>(Negligence MVA - rear-ended)</i>	\$156,556	\$0	Died in Claims
	SB 76 Fasano	Amie Draiemann Stephenson v. Dept. of Transportation <i>(Negligence wrongful death of Christian Darby Stephenson)</i>	\$1,092,040	\$0	Died in Rules and Calendar
	SB 78 Hill	Descendents of Mrs. Johnnie Mae Chappell <i>(Appoint administrative law judge to determine wrongful act or omission by State of Florida)</i>	Compensation upon determination	\$0	Died in Rules and Calendar
HB 1075 Seiler		Ashraf Kamel and Marguerite Dimitri v. Palm Beach County School Board	\$360,000	\$0	Died in Justice Council
HB 1179 Planas		Katherine Selva v. City of Miami	\$2,425,000	\$0	Died in Claims

**Detailed Claim Bill Report
2005 Legislative Session**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 399 Barreiro	SB 8 Campbell	Minouche Noel v. Children's Medical Services of Dept. of Health & Rehabilitative Services <i>(Medical Malpractice)</i>	\$8,500,000	\$0	Died in Health Care Appropriations
HB 1405 Poppell	SB 10 Campbell	Stephen Hall v. Dept. of Transportation <i>(Negligence, DOT employee)</i>	\$388,000	\$0	Died in Claims
	SB 12 Clary	Laura Laporte v. Dept. of Agriculture and Consumer Services <i>(Negligence)</i>	\$5,500,648	\$0	Died in Rules and Calendar
HB 275 Stansel	SB 14 Lawson	Doretta Spurway v. Dept. Highway Safety & Motor Vehciles <i>(Personal Injury/Negligence)</i>	\$221,942	\$0	Died in Claims
HB 283 Richardson	SB 16 Lawson	D. Darling & W. Smith <i>(Negligence Florida State University)</i>	\$1,800,000	\$0	Died in Claims
HB 705 Seiler	SB 18 Fasano	Sharon & Megan Jurgrau v. South Broward Hospital District <i>(Medical Malpractice)</i>	500,000	\$0	Died on House Calendar
HB 615 Negron	SB 20 Jones	Adam Susser v. North Broward Hospital District <i>(Medical Malpractice)</i>	\$668,782	\$0	Died on House Calendar
HB 65 Domino	SB 22 Campbell	Monica Davis v. Palm Beach County School District <i>(Negligence)</i>	\$173,416	\$0	Died in Justice Council
HB 889 Seiler	SB 24 Hill	Betty Obenza v. Duval County <i>(Negligence MVA - rear-ended)</i>	\$156,556	\$0	Died in Claims
HB 7 Pickens	SB 26 Lynn	Sheryl & George Allen v. City of Tallahassee <i>(Negligence City of Tallahassee employee)</i>	\$775,000	\$0	Died on House Calendar
HB 637 Llorente	SB 28 Margolis	Estate of Dr. Sherrill Lynn Aversa v. Dept. of Transportation <i>(Negligence MVA - ladder fell off truck)</i>	\$697,500	\$0	Died in Claims
	SB 30 Siplin	Donna Sofka v. Polk County <i>(Negligence Polk County)</i>	\$600,000	\$0	Died in Senate Transportation
HB 793 Kottkamp	SB 32 Campbell	A. John & A. Jacob Angeillo v. Miami-Dade County <i>(Negligence Miami-Dade County)</i>	\$250,000	\$0	Died in Justice Council
HB 731 Barreiro	SB 34 Margolis	Claude & Martine Tunc v. City of Miami Beach <i>(Negligence City of Miami Beach)</i>	\$1,300,000	\$0	Died on House Calendar
	SB 36 Bennett	Mark Vandeboe v. SWFWMD <i>(Negligence Southwest Florida Water Management District)</i>	\$182,762	\$0	Withdrawn Prior to Introduction
	SB 38 Jones	Judge Joseph & Tena Donahey v. Board of Regents <i>(Medical Malpractice)</i>	\$1,500,000	\$0	Withdrawn Prior to Introduction
HB 23 Mahon	SB 40 Aronberg	Verlin Weaver v. City of Fernandina Beach <i>(Negligence by employee of City of Fernandina Beach)</i>	\$400,000	\$0	Died on House Calendar
	SB 42 Campbell	Christina Alvarez & George Patnode v. DOH <i>(Medical Malpractice)</i>	\$2,400,000	\$0	Died in Rules and Calendar
HB 771 Seiler	SB 44 Dawson	Ashraf Kamel & Marguerita Dimitri v. Palm Beach County School Board <i>(School Shooting)</i>	\$1,415,890	\$0	Died in Choice & Innovation
HB 865 Simmons		Wilton Allen Dedge, Walter Dedge and Mary Dedge v. State of Florida <i>(Wrongful Imprisonment)</i>			Died in Claims
HB 47B Goodlette	SB 12B Webster	Wilton Allen Dedge, Walter Dedge and Mary Dedge v. State of Florida <i>(Wrongful Imprisonment)</i>	\$2,000,000	\$2,000,000	SB Passed, Ch. 05-354, LOF

**Detailed Claim Bill Report
2004 Legislative Session**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 235 Kottkamp	SB 26 Campbell	Christina Alvarez & George Patnode v. Dept of Children & Family Services (<i>Medical malpractice</i>)	\$2,400,000	\$0	Died
HB 245 Prieguez	SB 10 Margolis	Dr. Sherrill Lynn Aversa v. Dept of Transportation (<i>Negligence MVA - ladder fell off truck</i>)	\$650,000	\$0	Died
HB 265 Murman	SB 4 Campbell	Minouche Noel v. DOH (<i>Medical malpractice</i>)	\$8,500,000	\$0	Died
HB 301 Stansel	SB 8 Lawson	Doretta Spurway v. DHSMV (<i>Personal injury / Negligence</i>)	\$121,942	\$0	Died
HB 349 Barreiro	SB 22 Hill	Alana Kelly & Richard Taylor , Sr. v. Hillsborough County School Board (<i>Motorcycle/school bus crash</i>)	\$101,833	\$0	Died
HB 423 Seiler	SB 36 Siplin	Jose & Johammes Pena v. City of Hialeah (<i>Road maintenance</i>)	1,101,061	\$0	Withdrawn
HB 669 Fields	SB 28 Hill	Betty Obenza v. Duval County (<i>Negligence MVA - rear-ended</i>)	\$156,556	\$0	Died
HB 671 Richardson	SB 12 Clary	Brian Daigi v. SFWMD (<i>Ditch maintenance</i>)	\$4,008,617	\$0	Withdrawn
HB 673 Evers	SB 24 Hill	Patricia Stolfi v. Escambia County Utilities Authority (<i>Car v. Garbage Truck</i>)	\$2,380,889	\$0	Withdrawn
HB 683 Cusack	SB 32 Lynn	Cordell & Veronica Hensley Davidson v. Volusia County (<i>Motorcycle v. Firetruck</i>)	\$4,700,000	\$4,700,000	HB Passed ch 04-408
HB 765 Murzin	SB 6 Lawson	Bron Dodd v. Escambia County School Board District (<i>school board negligence - car v. school bus</i>)	\$241,000	\$241,000	HB Passed ch 04-412
HB 793 Johnson	SB 34 Campbell	Stephen Hall v. Dept of Transportation (<i>Negligence, DOT employee</i>)	\$388,000	\$0	Died
HB 829 Mayfield	SB 14 Clary	Laura Laporte v. Dept of Agriculture and Consumer Services (<i>Negligence</i>)	\$5,500,648	\$0	Died
HB 831 Mayfield	SB 20 Posey	Ryan Besancon v. Indian River County School Board (<i>Negligent bus driver</i>)	\$70,000	\$70,000	HB Passed ch 04-418
HB 833 Mayfield	SB 18 Posey	Amanda Johnson v. Indian River County School Board (<i>Negligent bus driver</i>)	\$287,500	\$287,500	HB Passed ch 04-419
HB 835 Mayfield	SB 16 Posey	Debra Smith , Pamela Hughes , Michael Truitt & Charles Hughes , v. Indian River Co. School Board (<i>Wrongful Death</i>)	\$300,000	\$300,000	HB Passed ch 04-420
HB 929 Negron	SB 40 Diaz de la Portilla	Jeffery Haider v. South Broward County Hospital District. (<i>Medical malpractice</i>)	\$3,846,437	\$3,846,437	HB Passed ch 04-426
HB 959 Seiler		Adam Susser v. North Broward Hospital District (<i>Medical malpractice</i>)	\$668,782	\$0	Died
HB 1353 Seiler	SB 38 Dawson	Ashraf Kamel & Marquerite Dimitri v. Palm Beach County School Board (<i>School shooting</i>)	\$1,415,890	\$0	Died
HB 1359 Seiler		Mark Jurgrau v. South Broward Hospital District (<i>Medical malpractice</i>)	\$500,000	\$0	Died
HB 1493 Bareirro		Claude & Martine Tunc v. City of Miami Beach	\$1,300,000	\$0	Died
	SB 2 Campbell	Laura D. Strazza v. Dept of Agriculture & Consumer Services (<i>Negligent operation of department vehicle</i>)	\$882,322	\$0	Died
	SB 30 Bullard	Bruce Michael McQuillin & Michael McQuillin v. Citrus County	\$929,573	\$0	Died
	SB 42 Haridopolos	Regina Lloyd v. City of Fernandina Beach	\$8,000,000	\$0	Withdrawn

**Detailed Claim Bill Reports
Continued on Page 62**

**Detailed Claim Bill Report
2003 Legislative Session**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 93 Bean	SB 28 Villalobos	Jeffery Akers v. City of Miami Beach (Personal injury / negligence of city)	\$3,217,029	\$0	Withdrawn
HB 95 Negron	SB 214 Bennett	John Martz v. Hernando County (Road maintenance)	\$500,000	\$500,000	HB Passed ch 03-305
HB 183 Murman	SB 22 Campbell	Minouche Noel v. DOH (Medical malpractice)	\$8,500,000	\$0	Died
HB 303 Prieguez	SB 36 Diaz de la Portilla	Jonathan & Erika Snell v. Miami-Dade County (Negligence of County bus driver)	\$337,000	\$337,000	HB Passed ch 03-316
HB 305 Mayfield	SB 180 Hill	Taylor Griffeth v. Indian River School Board (Negligence of school board)	\$40,000	\$40,000	HB Passed ch 03-317
HB 375 Mayfield	SB 18 Pruitt	Smith, Hughes & Truitt v. Indian River County County School Board (Wrongful Death)	300,000	\$0	Died
HB 377 Mayfield	SB 42 Posey	Taylor Rosemond v. Indian River County School Board (Negligent bus driver)	\$60,000	\$60,000	HB Passed ch 03-323
HB 379 Mayfield	SB 38 Pruitt	Amanda Johnson v. Indian River County School Board (Negligent bus driver)	\$287,500	\$0	Died
HB 515 Machek	SB 40 Pruitt	Richard & Denise Ebner v. St. Lucie County (Personal injury / negligence)	\$50,000	\$50,000	SB Passed ch 03-301
HB 675 Richardson	SB 16 Clary	Brian Daiaqi v. SFWMD (Negligence)	\$4,008,617	\$0	Died
HB 689 D Davis	SB 188 Hill	Tommy Cusick v. City of Neptune Beach (Negligence)	\$96,395	\$0	Died
HB 727 Murzin	SB 8 Lawson	Bronwen Dodd v. Escambia County School Board District (Negligence)	\$241,000	\$0	Died
HB 787 Seiler	SB 10 Wasserman Schultz	Jose & Johammes Pena v. City of Hialeah (Road maintenance)	\$1,101,061	\$0	Died
HB 797 Poppell	SB 26 Posey	Alan Hammer v. Brevard County Board of County Commissioners (Personal Injury/County negligence)	\$75,705	\$75,705	HB Passed ch 03-345
HB 799 Poppell	SB 34 Posey	Howard & Donna Everts v. Brevard County Board of Commissioners (Personal Injury / County negligence)	\$75,705	\$75,705	HB Passed ch 03-346

Detailed Claim Bill Report 2003 Legislative Session (cont'd)					
House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 813 Stansel	SB 24 Lawson	Doretta Spurway v. DHSMV (Personal injury / Negligence)	\$221,942	\$0	Died
HB 817 Sansom	SB 30 Crist	James Edwards v. Hillsborough Co. (Negligence)	\$2,400,000	\$2,400,000	SB Passed ch 03-300
HB 969 Seiler		Timothy & Theresa Ann Kulik v. DHSMV (Negligence)	\$1,461	\$0	Died
HB 1053 Mayfield	SB 14 Pruitt	Laura Laporte v. DACS (Negligence)	\$5,500,648	\$0	Died
HB 1249 Mayfield	SB 44 Posey	Clay & Tatiana Haywood v. Indian River County School Board (Negligent bus driver)	\$225,000	\$225,000	HB Passed ch 03-366
HB 1255 Kottkamp	SB 20 Saunders	Jacob Darna v. Lee Co. School Board (Negligence)	\$75,000	\$75,000	SB Passed ch 03-299
HB 1257 Mack		Jeffery Haider v. Brevard Co. (Negligence of South Broward Hospital District)	\$4,000,000	\$0	Died
HB 1689 Prieguez	SB 48 Diaz de la Portilla	Asbel Llerena v. City of Hialeah (City employee negligence)	\$200,000	\$200,000	HB Passed ch 03-385
HB 1691 Detert	SB 46 Campbell	Denise Yahraus v Sarasota County School Board (Wrongful death / negligence school board)	\$1,050,000	\$1,050,000	HB Passed ch 03-386
HB 1693 Barreiro	SB 32 Diaz de la Portilla	Kelly / Taylor v. Hillsborough County (Motorcycle/school Bus Crash)	\$101,833	\$0	Died
HB 1701 Sansom	SB 184 Hill	Joseph & Tena Donahay v. State of Florida (Medical malpractice)	\$1,500,000	\$0	Died
	SB 2 Sebesta	Joseph & Tena Donahay v. State of Florida (Medical malpractice)	\$1,500,000	\$0	W/D
	SB 4 Campbell	Laura Strazza v. DACS	\$882,322	\$0	W/D
	SB 6 Lawson	Kilpatrick v. Escambia County	\$191,245	\$0	W/D
	SB 12 Pruitt	Bowling v. DOT	\$3,585,216	\$0	W/D
	SB 182 Bennett	Smith,/Hughes/Truitt/Johnson/Rosemond/Haywood/ Griffeth v Indian River School Board. Indian River County School	\$853,030	\$0	W/D

**Detailed Claim Bill Report
2002 Legislative Session**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 37 Harper	SB 44 Pruitt	James Torrence v. Palm Beach County Health Care District (hospital malpractice)	\$400,000	\$400,000	SB Passed ch 02-319
HB 39 Bucher	SB 38 Rossin	Rosemary Falkinburg v. West Palm Beach (Police vehicle negligence)	\$500,000	\$500,000	SB Passed ch 02-317
HB 45 Mahon	SB 36 Rossin	Kharmilia Ferguson v. Palm Beach County Sheriff's Office (Sheriff's vehicle negligence)	\$1,800,000	\$1,800,000	SB Passed ch 02-316
HB 59 Bendross-Mindingall	SB 78 Meek	Jack Lemonik v. Miami-Dade County (false arrest)	\$100,000	\$0	Withdrawn
HB 61 Seiler	SB 10 Villalobos	Mark Schwartz v. N. Broward Hospital District (medical malpractice)	\$400,000	\$400,000	SB Passed ch 02-312
HB 63 Ritter	SB 42 Dyer	Delfina Benjumea/Garcia v. Orange County Sheriff's Office (Sheriff vehicle negligence)	262,954	\$152,500	SB Passed ch 02-318
HB 85 Betancourt	SB 52 Villalobos	Jessica Ann Calderon v. Miami-Dade County (Bus ran red light killing Dade County Police Officer)	\$2,100,000	\$2,100,000	SB Passed ch 02-322
HB 151 Waters	SB 26 Latvala	Eva Skowronek v. City of Clearwater (police misconduct; excessive force)	\$200,000	\$200,000	SB Passed ch 02-314
HB 187 Attkisson	SB 8 Campbell	Towanna Hopkins v. Fla. Board of Regents, USF, USF Health Sciences Center Insurance (hospital malpractice)	\$3,693,896	\$3,693,896	SB Passed ch 02-306
HB 189 Siplin	SB 74 Campbell	Steven Mitchell v. Halifax Medical Center (hospital negligence)	\$2,300,000	\$2,300,000	SB Passed ch 02-328
HB 203 Sorenson	SB 60 Jones	Joshua England v. Monroe County School Board (school student drowning)	\$2,500,000	\$2,500,000	SB Passed ch 02-324
HB 225 Gannon	SB 46 Pruitt	Dixon v. Indian River School Board (School bus accident)	\$1,224,394	\$1,224,394	SB Passed ch 02-320
HB 227 Stansel	SB 16 Lawson	Patsy Baucco v. DOT (traffic crash/highway maintenance)	\$550,000	\$550,000	SB Passed ch 02-308
HB 301 Mayfield	SB 56 Silver	Joseph Arvay v. City of Vero Beach (Police vehicle negligence)	\$4,349,094	\$4,349,094	SB Passed ch 02-323
HB 349 Atwater	SB 24 Campbell	Margaret Helm v. Martin County Volunteer Fire Department (Good Samaritan injuries)	\$2,250,000	\$2,250,000	SB Passed ch 02-313
HB 357 Cantens	SB 22 Pruitt	Kimberly Godwin v. DCF (Custodial abuse)	\$7,600,000	\$7,600,000	SB Passed ch 02-310
HB 359 Diaz de la Portilla	SB 64 Klein	Jesnor Exanor v. City of Delray Beach (Police vehicle negligence)	\$1,305,000	\$1,305,000	SB Passed ch 02-326
HB 361 Diaz de la Portilla	SB 62 Meek	Millie Jackson v. Miami-Dade County (Bus accident)	\$35,000	\$35,000	SB Passed ch 02-325
HB 363 Fields	SB 58 Dawson	Willie Police , III v. City of Belle Glade (police tumult)	\$381,649	\$0	Bill Died
HB 369 Lee	SB 18 Holzendorf	McCarty/Decker v. DCF (Tacachale van crash)	\$7,000,000	\$400,000	SB Passed ch 02-309

**Detailed Claim Bill Report
2002 Legislative Session (cont'd)**

House Bill	Senate Bill	Claimant/Respondent/Type of Claim	Original Amount	House/Senate Amount	Final Action
HB 371 Meadows	SB 48 Clary	Nicholas Maracic v. Broward County (motorcycle/bus collision)	\$280,285	\$0	Withdrawn
HB 373 Kendrick	SB 72 Diaz de la Portilla	Jacob Darna v. Lee County (negligent supervision of student)	\$168,750	\$0	Bill Died
HB 375 Bullard	SB 66 Klein	Ariel Alexis Dent v. Palm Beach County School Board (School bus accident)	\$600,000	\$600,000	SB Passed ch 02-327
HB 419 Brown	SB 14 Clary	Billie Jo McIntire v. DOT (traffic crash/highway maintenance)	\$1,000,000	\$1,000,000	SB Passed ch 02-307
HB 425 Prieguez	SB 30 Jones	Hilda De Paz v. Miami-Dade County (Bus/bus collision)	\$60,000	\$60,000	SB Passed ch 02-315
HB 469 Bense	SB 82 Diaz de la Portilla	Verela/Barcos/Iglesias/Avendano v. DOT (negligent bridge maintenance)	\$800,000	\$800,000	SB Passed ch 02-311
HB 521 Lee	SB 40 Dyer	Kelly/ Taylor v. Hillsborough County School Board (Motorcycle/school bus crash)	\$101,833	\$0	Bill Died
HB 529 Greenstein	SB 4 Campbell	Minouche Noel v. DOH (medical malpractice)	\$8,500,000	\$0	Bill Died
HB 563 Smith	SB 76 Posey	Hennelly v. St. Lucie County Sheriff (Sheriff's vehicle negligence)	\$3,508,941	\$1,250,000	SB Passed ch 02-329
HB 587 Negron	SB 50 Campbell	Lawrence Bigney v. Palm Beach County Sheriff's Office (Sheriff's vehicle negligence)	\$75,000	\$75,000	SB Passed ch 02-321
HB 619 Siplin	SB 34 Lawson	Elizabeth Linton v. Gulf County (wrongful death - tumbling refuse)	\$1,807,185	\$0	Bill Died
HB 637 Romeo	SB 70 Crist	James Edwards v. Hillsborough County (EMS negligence)	\$8,000,000	\$0	Withdrawn
HB 643 Richardson	SB 28 Lawson	Clyde Kilpatrick v. Escambia County (slip & fall)	\$191,245	\$0	Bill Died
HB 671 Meadows	SB 54 Diaz de la Portilla	Bronwen Dodd v. Escambia County School Board (motor vehicle accident)	\$241,000	\$0	Bill Died
HB 1029 Ryan	SB 32 Lawson	Jose Pena v. Hialeah (shoulder drop-off)	\$1,101,061	\$0	Bill Died
HB 1195 Siplin	SB 20 Dyer	Johnny Woods v. Dept. of Legal Affairs (denial of victim's compensation benefits)	\$15,000	\$0	Bill Died
HB 1265 Berfield	SB 6 Campbell	Laura Strazza v. DACS (negligent vehicle operation)	\$882,322	\$0	SB Passed Vetoed
	SB 12 Miller	Angelo Juliano v. DOT (slip & fall)	\$302,500	\$0	Bill Died
	SB 68 Mitchell	Howard Miller v. Parole Commission (employee benefits)	\$0	\$0	Bill Died
	SB 80 Garcia	Estate of Frank Lee Smith v. Broward County Sheriff (miscarriage of justice)	\$3,500,000	\$0	Withdrawn

**Detailed Claim Bill Report
2001 Session**

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 4	Bronson	Angelo Juliano v. Dept. of Transportation (slip & fall)	\$302,500		Withdrawn from further consideration
S 6 H 241	Campbell Cantens	Minouche Noel v. Dept. of Health (medical malpractice)	\$8,500,000		Died on Calendar
S 8 H 739	Clary Brown	Billie Joe McIntire, etc. v. Dept. of Transportation (traffic crash/highway maintenance/wrongful death)	\$1,000,000		Died on Calendar
S 10 H 451	Dyer Ritter	Delfina Benjumea v. Orange County Sheriff's Office (negligent operation of a Sheriff's vehicle)	\$262,954		Died in Messages
S 12	Klein	Russell Allen v. Dept. of Transportation (motor scooter crash; failure in road design)	\$4,590,000		Died in Committee
S 14 H 231	Meek Diaz de la Portilla	Jack Brett Lemonik v. Miami-Dade County (police misconduct)	\$300,000		Died in Committee
S 16 H 1575	Sullivan Rubio	Estate of Alice Berdat v. Dept. of Corrections (assault and homicide by work release inmate)	\$250,000		Died in Committee
S 18 H 1611	Sullivan Arza	Mary Beth Wiggers v. Dept. of Corrections (assault by work release inmate)	\$450,000		Died in Committee
S 20 H 925	Villalobos Betancourt	Jessica Ann Calderon, et al. v. Miami-Dade County (bus ran red light killing Dade County police officer)	\$2,100,000		Died in Messages
S 22 H 883	Silver Mayfield	Joseph Arvay v. City of Vero Beach (police vehicle negligence)	\$4,349,094		Died in Messages
S 24 H 909	Lawson Ausley	Elizabeth Linton v. Gulf County (wrongful death)	\$1,807,185		Died in Committee
S 26 H 889	Rossin Bucher	Rosemary Falkinburg v. City of West Palm Beach (police vehicle negligence)	\$500,000		Died in Messages
S 28 H 709	Diaz de la Portilla Ryan	Jose Pena v. City of Hialeah (shoulder drop-off)	\$1,101,061		Died in Committee
S 30 H 801	Jones Diaz de la Portilla	Joshua England v. Monroe County School District (school student drowning)	\$2,500,000		Died in Messages
S 32 H 607	Rossin Mahon	Kharmilla Ferguson, Angela Jones & Raymond Ferguson v. Palm Beach County Sheriff's Office (sheriff's vehicle negligence)	\$1,800,000		Died on Calendar
S 34	Klein	William & Anne Hennelly v. Sheriff of St. Lucie County (sheriff's vehicle negligence)	\$3,508,941		Withdrawn from further consideration
S 36 H 893	Campbell Siplin	Steven Mitchell v. Halifax Medical Center (hospital negligence)	\$2,300,000		Died on Calendar
S 38	Dawson	James Fink v. City of Key West (motorcycle/bus crash)	\$63,656		Withdrawn from further consideration

**Detailed Claim Bill Report
2001 Session**

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 40 H 1061	Campbell Gannon	Laura D. Strazza v. Dept. of Agriculture and Consumer Services (negligent operation of a department vehicle)	\$877,320		Died on Calendar
S 42 H 57	Campbell Argenziano	Kimberly Godwin Guardianship v. Dept. of Children and Family Services (custodial abuse)	\$8,021,555		Died on Calendar
S 44	Holzendorf	Terri Yost v. Volusia County (bus/bicycle crash)	\$697,723		Withdrawn from further consideration
S 46	Sullivan	Jane Doe v. District School Board of Pinellas County (in-school rape)	\$500,000		Withdrawn from further consideration
S 48 H 81	Meek Prieguez	Lawrence Gizzi v. City of Hallandale (negligence/unsafe roadway)	\$139,971		W/D from Further Consideration
S 50 H 821	Diaz de la Portilla Arza	Oscar Ortiz v. City of Miami (negligent/improper operation of a police vehicle)	\$4,900,000	\$4,900,000	Passed Ch. 2001-302
S 52 H 711	Geller Meadows	Pamela McMahan San Juan v. Orange County (shoulder drop-off / failure to maintain)	\$280,971		Withdrawn from further consideration
S 54 H 1181	Campbell Ritter	Helene Rippe v. City of Coral Springs (personal injury)	\$30,000		Died in Messages
S 56 H 1195	Campbell Fields	Lawrence Douglas Bigney v. Palm Beach County Sheriff's Office (sheriff's vehicle negligence)	\$75,000		Died on Calendar
S 58 H 823	Latvala Fields	Eva Skowronek v. City of Clearwater (police misconduct, excessive force)	\$200,000		Died in Messages
S 60	Clary	Santa Rosa County v. Dept. of Business and Professional Regulation (inter-governmental claim)	\$54,757		Died in Committee
S 62 H 191	Dyer Smith	Alana Kelly and Richard F. Taylor Sr. v. Hillsborough County School Board (motorcycle/school bus crash)	\$101,833		Died on Calendar
S 64	Mitchell	Kathleen McCarthy, George & Joan Decker, William & Geraldine Chapman, and Rasha Williams v. Dept. of Children and Family Services (Tacachale van crash)	\$6,000,000		Withdrawn from further consideration
S 66 H 795	Sullivan Justice	Alfred Brinkley Roberts v. City of St. Petersburg (police vehicle negligence)	\$1,014,188	\$655,347	Passed Ch. 2001-300
S 68 H 761	Jones Bullard	Hilda De Paz v. Miami-Dade County (bus/bus collision)	\$60,000 plus interest		Died on Calendar
S 70 H 609	Dawson Harper	Willie Police, III, Cora Donaldson, & Willie Police, Sr. v. City of Belle Glade (Police tumult)	\$381,649		Died in Committee
S 72 H 229	Lawson Kendrick	Clyde Kilpatrick v. Escambia County (slip & fall - defective stairs at civic center)	\$191,245		Died in Committee

**Detailed Claim Bill Report
2001 Session**

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 74 H 819	Pruitt Harper	James Torrence v. Palm Beach County Health Care District (hospital malpractice)	\$400,000		Died on Calendar
S 76 H 881	Campbell Lee	Margaret B. Helm v. Martin County Volunteer Fire Department (Good Samaritan injuries)	\$2,250,000		Died on Calendar
S 78 H 509	Campbell Attkisson	Towanna Denise Hopkins & Robert Keith Bowman, Jr., v. Board of Regents, University of South Florida, & USF Health Sciences Center Insurance Company (Hospital Malpractice)	\$3,693,896		Died on Calendar
S 80		Nicholas Maracic v. Broward County (Motorcycle/bus collision)	\$180,285		Unfavorable (Pursuant to Senate Rule)
S 82	Klein	Eric Brady v. Broward County (Police vehicle negligence)	\$12,400,000		Withdrawn from further consideration
S 244 H 335	Lawson Stansel	Patsy & Valentino Bauccho v. DOT (Traffic crash/improper traffic maneuver)	\$550,000		Died on Calendar
S 292 H 1483	Wasserman Schultz Harper	Estate of Frank Lee Smith v. State of Florida (Miscarriage of justice)	\$3,500,000		Died in Committee
H 1113	Seiler	Mark Schwartz v. Coral Springs Medical Center (Medical negligence)	\$400,000		Died in Committee

Detailed Claim Bill Report

2000 Session

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 8 H 1497	Holzendorf Cantens	William & Susan Mock v. St. Johns County (negligent operation of emergency vehicle)	\$170,000	\$170,000	Passed (2000-377)
S 10 H 185	Myers Sembler	Elizabeth & Fritz Schnell v. Dept. of Highway Safety & Motor Vehicles (head-on collision)	\$17,011,558	\$9,750,000	Passed (2000-376)
S 12 H 1499	Silver Cantens	Frank & Marlene Ruck v. Miami-Dade County (wrongful death)	\$800,000	\$800,000	Passed (2000-378)
S 14 H 233	Dyer Suarez	Maria Garcia (Delfinia Benjumea) v. Orange County Sheriff's Office (negligent operation of a county vehicle-passenger)	\$262,954		Died in Messages
S 16 H 1553	Dawson Morrone	Elizabeth Menendez v. Palm Beach County Sheriff's Department (negligent pursuit/MV collision)	\$2,400,000	2,400,000	Passed (2000-428)
S 18 H 535	Meek Hill	Lawrence Gizzi v. City of Hallandale (negligence/unsafe roadway)	\$139,971		Died in Messages
S 20 H 1501	Forman Cantens	Virgilio & Anagely Chavez v. North Broward Hospital District (wrongful death)	\$600,000	\$600,000	Passed (2000-420)
S 22 H 353	Jones Ritter	Jose & Johannes Pena v. City of Hialeah (drowning due to improper shoulder drop-off)	\$1,300,000		Withdrawn from further consideration
S 24	Campbell	Oscar Ortiz v. City of Miami (negligent operation of police vehicle)	\$13,674,000		Died in Committee
S 26 H 1555	Silver Rayson	Clarice Holland v. South Broward Hospital District (wrongful death)	\$1,682,500	\$1,682,500	Passed (2000-429)
S 28 H 2277	Geller Cantens	Earl Spencer v. City of Ft. Lauderdale (negligent operation of city vehicle)	\$600,000	\$600,000	Passed (2000-493)
S 30 H 343	Klein Rayson	Russell Allen v. Dept. of Transportation (unsafe roadway)	\$4,590,000		Died in Committee
S 32 H 529	Dawson Hill	J. C. Wendehake v. City of Port St. Lucie (negligent operation of city vehicle)	\$1,200,000	\$75,000	Passed (2000-379)
S 34 H 697	Childers Eggelletion	Elizabeth Linton v. Gulf County (wrongful death)	\$1,807,185		Died in Committee
S 36 H 387	Campbell Healey	Laura Strazza v. Dept. of Agriculture and Consumer Services (negligent operation of department vehicle)	\$971,550		Died in Committee
S 38 H 2279	Burt Cantens	Fred Fedorka v. Volusia county (wrongful death)	\$800,000	\$800,000	Passed (2000-380)
S 40 H 1557	Mitchell Morrone	Jason Crosby v. City of Tallahassee (negligent pursuit)	\$200,000	\$200,000	Passed (2000-430)
S 42 H 461	Casas Melvin	Andrew Greene v. Broward County School Board (negligence and invasion of privacy)	\$1,078,000		Withdrawn from further consideration
S 44	Bronson	Johnny Stubbs v. State of Florida (retirement)	undetermined		Withdrawn from further consideration

Detailed Claim Bill Report
1999 Session

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 4 H 469	Forman Sembler	Joseph Bellamy Farver v. Department of Children and Family Services (Child Neglect)	\$6,900,000	\$4,500,000	Passed (99-400)
S 6 H 939	Forman Cantens	Ana Quintana-Marquez & Juan Marquez v. Metro Dade County (Negligent Pursuit)	\$375,000	\$375,000	Passed (99-405)
S 8 H 525	Jones Eggelletion	Jose and Johannes Pena v. City of Hialeah (Shoulder Drop Off)	\$1,101,061	\$1,101,061	Read 3rd time, amendment pending
S 10	Turner	Carol Wyke v. Polk County School Board (Negligence)	\$65,000	\$65,000	Unfavorable
S 12 H 279	Holzendorf Dennis	Frances McGrady v. Jacksonville Transportation Authority (Personal Injury)	\$265,000		Withdrawn from Further Consideration
S 14 H 635	Holzendorf Hill	Trey Anthony Ails v. Department of Transportation (Negligence)	\$1,775,000	\$1,775,000	Passed (99-401)
S 16 H 527	Geller Gay	Jeremy Stewart v. City of Sanibel (Personal Injury)	\$1,544,407		Died on Senate Special Order Calendar
S 18	Grant	Pinellas Co. v. SWFWMD & Coalition of Lake Associations, Inc., et al. (Attorney Fees)	\$200,000		Withdrawn from Further Consideration
S 20 H 283	Grant Fiorentino	Patricia D. Baker v. Department of Transportation (Personal Injury)	\$503,224	\$443,224	Passed (99-402)
S 22 H 977	Silver Cantens	Children of Elionne Joseph v. Metro Dade County (Personal Injury)	\$1,574,000	\$1,300,000	Passed (99-406)
S 24 H 1109	Campbell Cantens	Estate of Charlie Brown, Jr. v. City of Delray Beach (Negligence/ Personal Injury)	\$80,000	\$80,000	Passed (99-407)
S 26 H 529	Rossin Frankel	Robert Rossado v. Palm Beach County (Personal Injury)	\$145,407	\$111,560	Passed (99-408)
S 28	Campbell	Joyce Howard v. Lake Wales Housing Authority (Personal Injury)	\$78,883		Withdrawn from Further Consideration
S 30	Campbell	R. B Gay v. Board of Regents (Contract Damages)	\$577,412		Withdrawn from Further Consideration
S 32 H 1111	Myers Ritter	Jennifer Eubanks-Black, et al. v. Palm Beach County (Personal Injury)	\$350,000	\$350,000	Passed (99-409)

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 34 H 1107	Dyer Ritter	Alberto Cruz, Jr. v. West Volusia Hospital Authority (Personal Injury)	\$1,800,000	\$1,800,000	Passed (99-410)
S 36	Dyer	Lois Hild v. Florida Retirement System (Retirement Benefits)	\$179,352		Died in Senate Committee
S 38	Kirkpatrick	Walter S. McAdams, Jr. v. Department of Children and Family Services (\$217,310		Withdrawn from Further Consideration
S 40 H 33	Campbell Sembler	Warren Weathington and Carl Weathington v. City of Tallahassee (Personal Injury)	\$1,039,523	\$750,000	Passed (99-411)
S 42	Thomas	James H. Scott v. Florida Department of Law Enforcement (Personal Injury)	\$2,000,000		Withdrawn from Further Consideration
S 44	Thomas	Wewahitchka State Bank v. Department of Business and Professional Regulation (Business Damage)	\$45,000		Withdrawn from Further Consideration
S 46 H 941	Jones Cantens	Martha Sosa v. Metro Dade County (Personal Injury)	\$1,574,000	\$900,000	Passed (99-412)
S 48 H 701	Sullivan Morrone	Paul W. Gilfoyle v. City of Clearwater (Personal Injury)	\$225,000	\$225,000	Passed (99-413)
H 1497	Pruitt	City of Stuart v. Department of Community Affairs	\$75,672		Died in House Committee
H 1747	Bullard	Clarice Holland v. South Broward Hospital District d.b.a. Memorial Regional Hospital (Wrongful Death)	\$1,682,500		Died in Senate Committee
H 2175	Rayson	William D. Mock and Susan G. Mock v. St. Johns County (Personal Injury)	\$170,000		Died in Senate Committee
H 2177	Rayson	Elizabeth Menendez v. Palm Beach County Sheriff's Department (Personal Injury)	\$2,400,000		Died in Senate Committee
H 2179	Cantens	Frank J. Ruck, Jr. and Marlene G. Ruck v. Miami-Dade County (Wrongful Death)	\$800,000		Died in Senate Committee

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1998 Session

BILL NO.	SPONSOR	CLAIMANT / DEFENDANT / TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 2 H 1881	Childers Ritter	David Kelley and the Estate of Aito Kelley v. Department of Transportation (personal injury & wrongful death)	\$1,400,000	\$1,400,000	Passed 98-425
S 4 H 1771	Forman Villalobos	Juan A. Garcia, Jr. v. City of Miami Beach (personal injury)	\$1,050,000	\$1,050,000	Passed 98-458
S 6 H 1711	Meadows Rojas	Michelle Ponce v. Metropolitan Dade County (personal injury)	\$410,000	\$410,000	Passed 98-432
S 8 H 1767	Grant Murman	Heather Roszell v. State of Florida, Board of Regents & Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital (personal injury/medical malpractice)	\$3,550,000	\$3,550,000	Passed 98-433
S 10	Crist	Estate of Alice Berdat v. Department of Corrections (wrongful death)	\$250,000	\$250,000	Died in House Civil Justice & Claims Cmte
S 12	Crist	Mary Beth Wiggers v. Department of Corrections (personal injury)	\$450,000	\$450,000	Died in House Civil Justice & Claims Cmte
S 14 H 1769	Forman Bradley	Tirni S. Riley v. South Broward Hospital District, d.b.a. Memorial Hospital (personal injury/medical malpractice)	\$1,000,000 plus interest	\$1,000,000	Passed 98-434
S 16 H 1717	Turner Lippman	Lazaro Gutierrez v. Dade County School Board (personal injury)	\$2,973,246	\$2,973,246	Passed 98-435
S 18 H 941	Clary Melvin	Ray Construction of Okaloosa County, Ltd. v. Department of Revenue (business loss)	\$18,230	\$18,230	Passed 98-426
S 20 H 939	Clary Melvin	Dale R. Cowie v. Department of Management Services (business loss)	\$15,402	\$15,402	Passed 98-427
S 22 H 3025	Campbell Ritter	Triasa Wells v. City of Pembroke Pines (personal injury)	\$499,000	\$499,000	Passed 98-436
S 24 H 3023	Forman Livingston	Jeremy Stewart v. City of Sanibel (personal injury)	\$1,544,408	\$1,544,408	Withdrawn From Further Consideration
S 26 H 3031	Turner Barreiro	Adela Azcuy v. Dade County (personal injury)	\$232,520 plus interest	\$144,000	Passed 98-437

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BILL NO.	SPONSOR	CLAIMANT / DEFENDANT / TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 28 H 3041	Forman Miller	Frank Roster v. Department of Transportation (personal injury)	\$7,627,602	\$4,600,000	Passed 98-428
S 30 H 2135	Forman Saunders	Franklin David Messick v. Collier County (wrongful death)	\$201,640	\$101,640	Passed 98-438
S 32 H 3027	Silver Silver	Kathryn Malloy f.k.a. Kathryn Spurdute v. Palm Beach County School Board (personal injury)	\$86,050	\$86,050	Passed 98-439
S 34 H 3037	Casas Cosgrove	Bruce Wiggins v. Metropolitan Dade County (wrongful death)	\$1,522,665	\$1,522,665	Passed 98-440
S 36 H 3029	Home Thrasher	Carrie A. Wilson v. Duval County School Board (personal injury)	\$1,685,657	\$1,150,000	Passed 98-441
S 38 H 653	Thomas Turnbull & Westbrook	Dena Sheryl Steels v. City of Tallahassee and Leon County School Board (wrongful death)	\$200,000	\$200,000	Passed 98-457
S 40 H 3055	Campbell Tobin	Bruce & Janie Silverman v. North Broward Hospital District (wrongful death)	\$1,000,000	\$1,000,000	Passed 98-442
S 42 H 3011	Silver Rojas	Vernelle Lowder v. Department of Health f.k.a. Department of Health and Rehabilitative Services (pain and suffering)	\$350,000 plus interest	\$250,000	Passed 98-429
S 44 H 1713	Turner Sembler	Frank H. Holliday v. Manatee County Sheriff's Department (personal injury)	\$235,000	\$235,000	Passed 98-443
S 46 H 2129	Holzendorf Dennis	Frances McGrady v. Jacksonville Transportation Authority (personal injury)	\$265,000	\$265,000	Withdrawn From Further Consideration
S 48 H 3013	Silver Cosgrove	Alan Taylor v. South Florida Water Management District (personal injury)	\$4,511,709	\$4,511,709	Died in Senate Ways & Means Cmte
S 50 H 2001	Grant Chestnut	Runette J. Bass v. Sheriff of Columbia County (personal injury)	\$2,853,874	\$2,853,874	Died in Senate Special Master Cmte
S 52 H 3051	Grant Miller	Jemal Kurain v. City of Tampa (personal injury)	\$290,930	\$290,930	Passed 98-444

Detailed Claim Bill Report
1998 Session

BILL NO.	SPONSOR	CLAIMANT / DEFENDANT / TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 54 H 3047	Dyer Lynn	Michele Jones v. West Volusia Hospital Authority, formerly d.b.a. West Volusia Memorial Hospital (personal injury/medical malpractice)	\$11,514,302	\$1,972,540	Passed 98-445
S 56 H 3079	Klein Andrews	Julie McGinnes v. Palm Beach County (personal injury)	\$1,025,000	\$1,025,000	Passed 98-446
S 58 <u>H 3085</u>	Meadows Healey	Kimberly L. Gonzalez v. Palm Beach County Sheriff's Department (personal injury)	\$95,407	\$71,791	Passed 98-459
S 60 H 3057	Gutman Ritter	Jeanette Alonso v. Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital (personal injury/medical malpractice)	\$3,800,000	\$3,800,000	Passed 98-447
S 62 H 3043	Diaz-Belart Sembler	Joseph Bellamy Farver v. Department of Children and Family Services, formerly the Department of Health and Rehabilitative Services (personal injury)	\$6,900,000	\$4,500,000	Died on Senate Calendar
S 64 H 3083	Gutman Eggelston	Jose Pena & Johames Pena v. City of Hialeah (wrongful death)	\$1,301,061	\$1,301,061	Died on Senate Calendar
S 68 H 3045	Williams Boyd	Penny Tilley v. Florida Retirement System (retirement compensation)	\$3,974	\$3,974	Passed 98-430
S 68 <u>H 3035</u>	Holzendorf Meak	Freddie Lee Pitts and Wilbert Lee v. State of Florida (miscarriage of justice)	\$3,000,000	\$1,250,000	Passed 98-431
S 70 H 3081	Klein Casey	Matthew White v. Alachua County Sheriff's Department (personal injury)	\$401,116	\$275,000	Passed 98-448

**Detailed Claim Bill Report
1997 Session**

BILL NO.	SPONSOR	CLAIMANT/DEFENDANT/TYPE OF CLAIM	ORIGINAL AMOUNT	HOUSE/SENATE AMOUNT	FINAL ACTION
S 224	Crist	Alice Berdat Estate v. Department of Corrections (wrongful death)	\$250,000		Died in Committee
S 226	Crist	Mary Beth Wiggers v. Department of Corrections (personal injury)	\$450,000		Died in Committee
S 1504 H 653	Thomas Lawson	Dena Sheryl Steels v. City of Tallahassee & Leon County School Board (wrongful death)	\$200,000		Died in Committee
S 1506 H 1769	Forman Bradley	Tirini S. Riley v. South Broward Hospital District d/b/a Memorial Hospital (personal injury)	\$1,000,000		Died in Committee
S 1940	Dyer	Michelle Jones v. West Volusia Hospital Authority (personal injury)	\$11,514,302		Died in Committee
S 2456	Silver	Vernelle Lowder v. Department of Health and Rehabilitative Services (negligence)	\$350,000		Died in Committee
S 2460 H 1767	Grant Martinez	Heather Roszell v. State of Florida, Board of Regents, & Hillsborough County Hospital Authority d/b/a Tampa General Hospital (personal injury/negligence)	\$3,550,000		Died in Committee
S 2462 H 1711	Meadows Rojas	Michelle Ponce v. Metropolitan Dade County (personal injury/negligence)	\$410,000		Died in Committee
S 2464 H 1771	Forman Villalobos	Juan A. Garcia Jr., v. City of Miami Beach (personal injury/negligence)	\$1,050,000		Died in Committee
S 2470 H 1881	Childers Ritter	David and Alto Kelley v. Department of Transportation (personal injury/negligence)	\$1,400,000		Died in Committee
S 2476 H 1717	Gutman Lippman	Lazaro Gutierrez v. Dade County School Board (personal injury/negligence)	\$2,973,246		Died in Committee
S 2508 H 1713	Turner Sembler	Frank H. Holliday v. Manatee County Sheriff's Department (personal injury/negligence)	\$235,000		Died in Committee
H 939	Melvin	Dale R. Cowie v. Department of Management Services (expenses owed)	\$15,402		Carried over to 1998 Session
H 941	Melvin	Ray Construction, Ltd. v. Okaloosa County (reimbursement)	\$18,230		Carried over to 1998 Session
H 2001	Chestnut	Runette J. Bass v. Sheriff of Columbia County (personal injury)	\$2,953,874		Carried over to 1998 Session
H 2129	Dennis	Frances McGrady v. Jacksonville Transportation Authority (personal injury/negligence)	\$265,000		Carried over to 1998 Session
H 2135	Saunders	Franklin Messick v. Collier County (wrongful death)	\$101,640		Carried over to 1998 Session